

HEARINGS RELATING TO DESIGNATING PETITION MATTERS  
FOR THE JUNE 26, 2012 FEDERAL OFFICE PRIMARY ELECTION AND  
THE MEETING OF THE COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, MAY 1, 2012  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

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PRESENT:       President Maria R. Guastella  
                  Secretary Frederic M. Umare

Commissioners Araujo, Barrera, Dent, Polanco, Schacher, Sipp, Soumas,  
Stupp

Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
John Ward, Finance Officer  
Raphael Savino, Director, Campaign Finance Reporting Enforcement  
Valerie Vazquez, Director, Communications and Public Affairs  
Joel Bermejo, Temporary Contract Attorney, OGC  
Giacomo Kmet, Temporary Contract Attorney, OGC  
Troy Johnson, Coordinator, Candidate Records Unit  
Matthew Graves, Administrative Associate, Candidate Records Unit  
Michael Carmicino, Administrative Associate, Candidate Records Unit  
Shanette Brown, Administrative Assistant, Candidate Records Unit  
Ryan Deahn, Administrative Assistant, Candidate Records Unit  
Rayvon Weaver, Administrative Associate, Candidate Records Unit  
Dorothy Delayo, Director, Personnel  
Steven Ferguson, Director, Management Information Systems  
Thomas Sattie, Associate Staff Analyst, Ballot Management  
John Naudus, Manager, Electronic Voting Systems  
John O'Grady, Chief, Voting Machine Technician, VEOU  
Charles S. Webb, III, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST:       Thomas J. Hillgardner, for Juan Sheng  
                  Juan Sheng

Stanley Schlein, for Jerrano  
Victor Jordan  
Frank Bolz, for candidates  
Chris Nalley, for Charles Fall  
Manual Ortega  
Leo Glickman, for Martinez  
Joe Tiraco  
Dan Halloran  
Aaron Abel, WFP  
Kate Doran, LWV  
Marjorie Shea, WCC  
Bill Newmark, Conservative Party  
Colin Campbell, New York Observer  
Cathy Gray  
Stella Ma, AALDEF  
Adolphes U.  
Stewart Armstrong, CFB  
Liz Brown, for Council Member Brewer  
Elizabeth McVey  
Nils Hanson  
David Garland  
A.B. Britton, K.L.C. GOP USA  
Jerry Goldfeder  
Sheryl Fetik  
Jerry Skurnk  
Ling Jing Biam  
Patrick D.  
Adam Haight  
Eric Maitreyes, FEC  
Julie Eng, FEC  
Clyde Vanal  
Stella Chan, Media  
Susan Silverman, for Robert Mitton  
Latrice Walker

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President Guastella called the meeting to order at 1:34 P.M.

President Guastella announced that the Commissioners will conduct the hearings on challenges to designating petitions for the June 26, 2012 Non-Presidential Federal Primary Election before the regular stated meeting.

President Guastella announced the procedures to be followed during the hearings.

President Guastella noted that Commissioner Soumas joined the meeting.

President Guastella called upon Mr. Richman to call the Calendar for the hearing. Mr. Richman announced that he will call the Calendar by county in accordance with the schedule adopted at last week's meeting; Bronx, Brooklyn, Manhattan, Staten Island, and Queens.

In selected instances, there were appearances by the objector, candidates and/or their representative(s) which are noted on the Clerk's Reports on file at the Board. The determinations regarding the various Preliminary Findings of Prima Facie Defects, Candidate Enrollment Issues,

as well as Specifications of Objections, are recorded on the respective Clerk's Reports on file at the Board.

President Guastella moved to adjourn the hearings, which was unanimously adopted.

President Guastella convened the regular stated meeting of the Commissioners.

Mr. Richman noted that the draft minutes for the April 30, 2012 Executive Committee Meeting were distributed to the Commissioners for ratification by the full Board. Secretary Umane moved to adopt the minutes of the April 3, 2012, April 10, 2012, April 17, 2012, and April 30, 2012 meetings. President Guastella seconded the motion. Commissioner Barrera abstained on the April 10, 2012 and April 30, 2012 minutes because she was not present. Commissioner Araujo abstained on the April 17, 2012 minutes because he was not present. Commissioner Soumas abstained on the April 10, 2012 meeting minutes because he was not present. The motion was adopted.

Ms. Perkins requested to discuss the ES&S End to End Review in public session.

Mr. Richman requested to discuss the New York State Education and Information Day in public session.

Mr. Richman requested to discuss a litigation matter in Executive Session.

Mr. Ferguson requested approval of the Election District (ED) lines for the remaining boroughs. He recalled that the ED lines for Bronx County were approved at the previous meeting. Commissioner Soumas moved to approve the ED lines for New York County. Secretary Umane seconded the motion, which was unanimously adopted. Commissioner Sipp moved to approve the ED lines for Richmond County. President Guastella seconded the motion, which was unanimously adopted. Commissioner Araujo moved to table the approval of the ED lines for Queens County and to authorize the Queens Commissioners to make a determination on or before next Tuesday. Commissioner Stupp seconded the motion, which was unanimously adopted. Commissioner Dent moved to approve the ED

lines for Kings County. Commissioner Schacher seconded the motion, which was unanimously adopted.

Mr. Ferguson reported that there were new total amounts of EDs citywide. The information follows:

- New York County – 1,159 EDs
- Bronx County – 914 EDs
- Kings County – 1,681 EDs
- Queens County – 1,248 EDs
- Richmond County – 274 EDs
- Citywide Total – 5,287 EDs

Mr. Sattie presented the amounts of Federal and Military ballots to order for the June 26, 2012 Federal Primary Election. A copy of his memorandum is in the agenda. Mr. Sattie stated that to best determine the proper amounts of ballots to order, his department requests the amounts of Federal and Military voters by party citywide. The Federal ballots would match the number of Federal voters in each borough plus 10% in case of spoilage. The Military ballots would match the number of Military voters in each borough plus 10% in case of spoilage. Mr. Sattie requested for

approval to use this methodology to order all Federal and Military ballots for the June 26, 2012 Federal Primary Election. Secretary Umame moved to adopt Mr. Sattie's recommendation. Commissioner Araujo seconded the motion, which was unanimously adopted.

Secretary Umame moved to start printing all Federal and Military ballots, except for the 14<sup>th</sup> District Republican Primary pending the hearing on OTB Petitions on May 8, 2012. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Naudus reported on the April 24, 2012 Presidential Primary Election Night Results (ENR) Pilot in Queens County. He presented a preliminary report for the Commissioners. Mr. Naudus stated that Board Staff implemented a second test of the new election night results process in parallel to the current process of data entry of results by the NYPD from the Return of Canvass Sheet. He stated that overall the process ran smoothly. The first group of Election Materials brought to the Voting Machine Facility (VMF) arrived at 9:43 P.M. The last SVR Bag was processed at 12:55 A.M. compared to 3:00 A.M. during the previous ENR Pilot. Mr. Naudus reported that Ms. Vazquez filmed the ENR Pilot process. He presented

and narrated the film for the Commissioners and public. Commissioners Araujo and Stupp thanked Mr. Naudus, the Queens Office Staff, and the NYPD for their hard work on Election Night. Mr. Naudus stated that he would like to conduct an ENR Pilot in Staten Island for the June 26, 2012 Federal Office Primary Election. He will discuss further details with the Staten Island Borough Commissioners, and the Chief Clerk and Deputy Chief Clerk.

Mr. Lavelle reported on Phone Bank calls for the April 24, 2012 Presidential Primary Election. He reported that the Phone Bank operated from 5:00 A.M. until 9:00 P.M. and they received a total of 397 phone calls.

Mr. Lavelle presented an update on Call Center #2, the Election Day Emergency Response Application, for the April 24, 2012 Presidential Primary Election. He explained that Poll Workers contact Call Center #2 to report emergencies and/or complaints at the poll sites. Mr. Lavelle reported that 69% of the phone calls were received by 8:00 A.M. There were a total of 2,348 phone calls entered into Call Center #2 citywide. There were 991 requests for more Poll Workers and 788 requests for supplies. Mr. Lavelle reported that there was confusion about the



combined EDs at some poll sites so the Poll Workers thought they needed more staff and supplies. Those calls are considered non-events. The average time for a dispatched incident to be resolved citywide was approximately 49 minutes.

Mr. O'Grady reported on the April 24, 2012 Presidential Primary Election equipment. The Board deployed the following equipment citywide:

- 2,712 Scanners
- 1,361 BMDs
- 2,896 ED Carts
- 3,512 Privacy Booths
- 25,062 Chairs
- 5,547 Tables

Mr. O'Grady reported that there were a total of 62 Scanner issues and 15 Scanners had to be replaced. There were a total of 27 BMD issues and 2 BMDs had to be replaced. Mr. O'Grady stated that ES&S are currently investigating these issues and he will share their results with the Commissioners. He stated that most issues were ballot jams and frozen screens. Mr. O'Grady reported that there were 1,357 poll sites citywide

which served 444,282 registered Republicans. He reported that there were 13 accessibility and 10 poll room designation problems citywide. Mr. O'Grady stated that the Department of Education (DOE) School Facilities Staff and DOE Chancellor's Office Legal Staff assisted with the designation issues. He explained that some Principals chose to use a non-designated room at the poll site. The issues were resolved within an hour or less with the assistance of the DOE Staff which was very successful. Mr. O'Grady reported that some poll sites were not opened at 6:00 A.M. due to the lateness of 20 Police Officers and 8 Custodians. Mr. O'Grady stated that the Board met with the DOE several times prior to the Presidential Primary and they are scheduled to meet again on May 11, 2012 to address the issues that the Board had on the Presidential Primary.

Mr. O'Grady reported that a poll site in the Bronx had a gas leak in the basement which resulted in an evacuation. The Board prepared equipment and started to locate a new site, but ConEdison determined the building was fine and the Poll Workers were allowed back into the poll site. Mr. O'Grady reported that the Bronx Voting Machine Facility was closed for a short time due to a fire drill.

Ms. Perkins noted that some Board Commissioners received letters from Principals and Teachers asking the Board to reconsider their public school as a poll site. She stated that those requests will be discussed with the DOE Staff as well.

Mr. Richman reported that the Principal at P.S. 34 was not cooperating with Poll Workers and Board Staff on Election Day. The DOE and NYPD quickly intervened and the poll site issue was resolved.

Commissioner Araujo thanked Mr. Richman, Mr. Savino and the Corporation Counsel for hard work in securing the Woodhaven Ambulance Corporation's poll site in Queens County the day before the election. Mr. Richman explained that Woodhaven Ambulance Corporation was not being cooperative so they secured a Court Order and served them. Mr. Richman thanked the Queens Staff and the General Office's AD Monitor Team for arriving at that poll site early with the Court Order. Mr. Richman stated that he advises the Borough Offices to make sure that their Poll Site Designation Reports are accurate because they are the basis for Court Orders. Commissioner Stupp thanked Mr. Richman and the Queens Staff for their hard work.

Mr. Ward presented the Comparative Expenditures Report dated May 1, 2012. A copy of the report is in the agenda. Secretary Umame inquired about the approved Modified Need (MN). Mr. Ward stated that the Board received that additional funding and it will be used for Poll Worker payroll for the June 26, 2012 Federal Office Primary Election on the Personal Service (PS) line.

Ms. Perkins recalled that Executive Management made a request for Mr. Naudus to attend the End to End Review at ES&S headquarters in Omaha, NE at a previous meeting. She stated that the Commissioners asked if another Board employee could attend the End to End Review instead of Mr. Naudus. Executive Management followed-up with Mr. Naudus about this matter and Mr. Naudus felt that he should go to review the new software. Ms. Perkins stated that Mr. Naudus would attend the Review from May 21, 2012 thru May 23, 2012 and he will bring his laptop in case any Board issues arise. The ES&S Customer Feedback Sessions will be for New York City only in order to make sure Mr. Naudus gains the knowledge of the new software before it is implemented. The estimated total cost would be \$1,300 round-trip which includes hotel and transportation. Commissioner Araujo asked if this is the first time that the

Board would send staff out of state in order to assist the implementation of the new machines. Ms. Perkins replied no. Secretary Umane moved to authorize Mr. Naudus to attend the End to End Review in Omaha, NE. Commissioner Araujo seconded the motion, with Commissioner Soumas opposing. The motion was adopted.

Mr. Richman reported that the Chief of Staff for Senator Thomas F. O'Mara, Chair of the Election Law Committee, confirmed that the space for the Education and Information Day on Tuesday, May 22, 2012 has been secured. He advised the Commissioners to speak with Executive Support Staff to arrange accommodations. Mr. Richman stated that he is currently scheduling meetings with representatives and will issue an agenda as soon as it is finalized.

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

Following the Executive Session, the open public meeting resumed and President Guastella reported that there was no action taken in

Executive Session.

President Guastella moved to adjourn the meeting. Commissioner Dent seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners is scheduled for Tuesday, May 8, 2012 at 1:30 P.M.