

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, AUGUST 7, 2012
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: Secretary Frederic M. Umame

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

Steven H. Richman, General Counsel
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Raphael Savino, Director, Campaign Finance Enforcement Reporting
Valerie Vazquez, Director, Communications and Public Affairs
Matthew Graves, Administrative Associate, Candidate Records Unit
Rosanna Rahmouni, Coordinator, Election Day Operations
Beth Fossella, Coordinator, Voter Registration
Stephen Thompson, HAVA Training Specialist, EDO
Joel Bermejo, Temporary Contract Attorney, OGC
Giacomo Kmet, Temporary Contract Attorney, OGC
Byron Zinonos, Legal Student Intern, OGC
Jeffrey Lederman, Legal Student Intern, OGC
Steven Ferguson, Manager, Management Information Systems
Steven B. Denkberg, Counsel to the Commissioners
Charles S. Webb, III, Counsel to the Commissioners

GUEST: Al Roundtree, NYCDLC
Kate Doran, LWV
Will Colegrove, NYCC
Gale A. Brewer
Gene Berardelli, for Gallo
Stewart Armstrong, CFB
Monica Bartley, CIDNY
Alex Camarda, Citizens Union
Eric Friedman, CFB
Artyon N., City Council

C. Mayers, CFB NYC VOTES
Maria Massa, DIRAD
John Michne, DIRAD
Russell Gallo
A.B. Britton, KLC USA
John D. Smith
Agustin Diaz
Juana Valentia
Michael Olnido
Jerry Skurnik
Michael Farrin

Secretary Umame called the meeting to order at 1:39 P.M.

Secretary Umame announced that only informational items will be presented until a full quorum is in attendance.

Mr. Richman and Mr. Ferguson reported on the New York State Department of Motor Vehicles (DMV) modification to the transmission of Motor Voter/Voter Registration information. A copy of the DMV's memorandum is in the agenda. Mr. Richman reported that the DMV has developed an improved process to automate the current paper based voter registration application procedure. Voters and potential voters will be able to register electronically on the DMV's website. Mr. Ferguson summarized the DMV's memorandum. Mr. Richman stated that Motor Voter forms are

currently 2-sheets stapled together and are mailed to the Board's Executive Office and then distributed to the five (5) Borough Offices for processing. Borough Office Staff scans these registration forms into the AVID system and performs data entry. Mr. Richman stated that the new DMV procedure will be easier because DMV Central Staff will mail 1-sheet Motor Voter forms on a daily basis to the City Board. Mr. Richman noted that in the past some Motor Voter forms were mailed to the Board in large quantities past the voter registration deadlines. This new process will go live in the coming weeks according to the DMV's memorandum.

Secretary Umane announced that a full quorum was in attendance.

Secretary Umane called for the Hearings on Challenges to Opportunity to Ballot Petitions and Prima Facie Matters for the September 13, 2012 Primary Election. He announced the procedures to be followed during the Hearings.

Secretary Umane called upon Mr. Richman to call the calendar for the Hearings.

Mr. Richman reported that in accordance with the Commissioners' direction, notice was given to all interested and necessary parties concerning today's Public Hearings.

Mr. Richman presented the Kings County Clerk's Report on Specifications of Objections. There was an appearance by a candidate and/or their representative which is noted on the Clerk's Report on file at the Board. The Commissioners' determinations are reflected on each Clerk's Report acted upon.

Mr. Graves presented the CRU Prima Facie Report. There were no appearances. Commissioner Dent moved to adopt the CRU Prima Facie Report regarding Kings Democratic County Committee Designating Petitions KG1200792, KG1200769, KG1200770 and KG1200757. Secretary Umane seconded the motion, which was unanimously adopted. Commissioner Barrera moved to adopt the CRU Prima Facie Report regarding Bronx Democratic County Committee, 68/85, Designating Petitions BX1200041. Commissioner Polanco seconded the motion, which was unanimously adopted. Commissioner Barrera moved to adopt the CRU Prima Facie Report regarding Working Families Member of

Assembly, 82nd District, candidate Joseph Belmonte. Commissioner Polanco seconded the motion, which was unanimously adopted. Commissioner Stupp moved to adopt the CRU Prima Facie Report regarding Queens County Authorization and Acceptance for Conservative, Member of Assembly, 30th District, Anthony P. Nunziato. Commissioner Barrera seconded the motion, which was unanimously adopted. Mr. Graves noted that the Queens County matter was inadvertently added to the CRU Prima Facie Report which was ruled on at last week's Hearings. Candidate Anthony P. Nunziato will be restored to the ballot.

The Commissioners adjourned the Hearings and reconvened the regular meeting.

Commissioner Dent requested to discuss a Brooklyn personnel matter in Executive Session.

Mr. Richman requested for a Commissioners' Petition Cover Sheet Review Committee to meet after today's meeting. Secretary Umame and Commissioner Soumas were designated as the Cover Sheet Review Committee.

Secretary Umane moved to table the minutes of the June 19, 2012 and July 3, 2012 meetings. Commissioners Dent and Stupp abstained on the July 3, 2012 meetings. The motion was adopted.

Mr. Richman presented the recommended date for Hearings on the Independent Nominating Petitions for the 12th City Council Special Election. A copy of his memorandum is in the agenda. Mr. Richman recommended Tuesday, August 28, 2012 at 1:30 P.M. prior to the regular Commissioners' Meeting. Secretary Umane moved to adopt Mr. Richman's recommendation. Commissioner Barrera seconded the motion, which was unanimously adopted. The Hearings Calendar will be posted on the Board's website and at the Front Counters.

Mr. Ferguson reported on the mailing of the citywide Notice of Intent to Cancel letters. He reported that 7,256 Notices were mailed on July 20, 2012 which was derived from the State Board's duplicate list. Mr. Ferguson stated that the City Board waits a total of fourteen (14) days for the voter to respond. If there is no response, then the voter's registration record is cancelled in the system. There was a total of 47,787 returned Voter Information Notices from voters who now reside outside of

NYC. The yellow USPS Return to Sender labels indicates that specific information. Mr. Ferguson stated that the Intent to Cancel Notices are mailed with a response form and a USPS postage-paid envelope. Secretary Umane stated that the City Board is the only New York county board of elections that mails Intent to Cancel Notices. Commissioner Soumas and Mr. Richman confirmed that these notices are required to be mailed under the National Voter Registration Act (NVRA) and NYS Election Law. The City Board is complying with this law.

Commissioner Polanco was concerned that the Board cannot mail a second Voter Information Notice to the 4.6 million voters in NYC before the General Election due to funding. He would like to mail an additional cost effective notice because there were many poll site changes due to redistricting. Secretary Umane stated that the required Voter Information Mailer was mailed and if there are any subsequent poll site changes, then those voters will receive a Poll Site Change Notice from the Board. Commissioner Dent stated that she supports Commissioner Polanco's suggestion.

Mr. Sattie reported on the recommended amount of ballots to order for the September 13, 2012 Primary Election. A copy of his memorandum is in the agenda. Mr. Sattie summarized his report and suggested the following amounts of ballots to order:

- Election Day Ballots – 75% of the registered voters for all parties with Primary Elections in the City of New York PLUS 50 per ED as backups
- Military Ballots – Match the number of Military voters in each borough PLUS 10% in case of spoilage
- Absentee Ballots – Match the number of Permanent Absentee voters PLUS 50% in case of spoilage and for all Temporary Absentee voters (will order more upon request)
- Affidavit Ballots – 25% of the registered voters for all parties with Primary Elections in the City of New York

Secretary Umane was concerned with the amount of ballots to be ordered for the Primary and suggested to order less due to costs. Commissioners Soumas and Polanco agreed with Mr. Sattie's methodology because there may be a high voter turnout. Commissioner Barrera moved to adopt Mr. Sattie methodology to order all ballots for the September 13, 2012

Primary Election. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. Sattie and Mr. Naudus presented two (2) ballot options for the 75th Assembly District race in Manhattan for the 2012 September Primary Election. He distributed copies of the ballot options to the Commissioners. Mr. Sattie stated that the race is a three (3) slate contest of eleven (11) delegates each. A write-in is required for each delegate for the same amount to be voted for so there are a total of forty-four (44) voting slots. The problem is that the Affidavit and Absentee ballots (TeamWork System) maximum length is 14". The ballot layout does not fit on the 14" paper. Mr. Sattie stated that there are limitations due to the NYS Election Law and the ballot creating system. The system cannot break up a contest. The vendor created two (2) options for the Affidavit and Absentee ballots and Mr. Naudus created the Election Day Ballot (ES&S System). The Affidavit, Absentee and Election Day Ballots font sizes have to be the same size. The entire borough of Manhattan will have the same font size. The Commissioners agreed that the font is too small for the voters on both ballot layout options. Mr. Naudus explained that the font cannot be enlarged due limitations in the ballot creating system and NYS Election

Law. Commissioner Polanco questioned the brackets which use space on the ballot. Mr. Naudus stated that the brackets must be on the ballots to comply with the NYS Election Law. If the brackets were not required, then the font could be enlarged. Secretary Umane stated that the brackets are necessary to indicate what group is running together. Secretary Umane suggested increasing the font size for the sentence, "Vote for any ELEVEN." Mr. Naudus stated that sentence could be increased. Secretary Umane stated that the ballot copies presented by Board Staff are reduced size, so the font will be larger than it appears on the copies. Commissioner Dent requested for all items that are presented to the Commissioners in future meetings to be the exact size; not reduced size. Secretary Umane moved to adopt Option #2 to be used for the Affidavit and Absentee ballots for the 75th Assembly District race, Manhattan, in the 2012 September Primary Election. Commissioner Soumas seconded the motion, which was unanimously adopted.

Ms. Rahmouni requested approval to continue having one (1) Coordinator assigned in every poll site and (3) three AD Monitoring Teams per Assembly District on Election Day. A copy of her report is in the agenda. Ms. Rahmouni stated that the Board has used this system in the

past and it worked well. Coordinators will assist the new Election Night Return (ENR) process and the AD Monitoring Teams assist Poll Workers and report any problems immediately to the Borough Offices. Commissioner Barrera moved to adopt Ms. Rahmouni's request. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. Thompson requested approval to combine Election Districts for the September 13, 2012 Primary Election. He stated that any ED with less than 100 eligible voters will be combined into an ED with the same ballot in the same poll site which will not exceed 500 eligible voters. Commissioner Schacher moved to approve Mr. Thompson's request. Commissioner Barrera seconded the motion, which was unanimously adopted.

Ms. Vazquez provided a public education update. She stated that the Board is currently working with a vendor to create a NYC Poll Site Locator App that will be developed for Apple, Android, BlackBerry and Windows smart phones. Copies of the screen shots are in the agenda. The App will be released to Android, BlackBerry and Windows devices in time for the 2012 September Primary. The App will be released to Apple devices in

October 2012 because Apple needs more time to review the content. Ms. Vazquez summarized the screen shots. Commissioner Dent asked if the App will be translated into Bengali language as well. Ms. Vazquez replied yes; it will be translated into all covered languages. Commissioner Schacher asked who will update the Board's important alerts for the App users. Ms. Vazquez replied that she and MIS Staff will update the alerts.

Secretary Umane asked Ms. Vazquez to reach out to the good government groups concerning their voter registration drives. He requested for them to submit their collected registration forms to the Board as soon as possible. Secretary Umane expressed that he does not want the groups to drop the forms off to the Board on the last day to register. Board Staff has to process the forms in a timely matter so the voters' names can be printed in the Poll Books to be used on Election Day.

Ms. Vazquez provided an update on the Public Education Campaign and Mobile Outreach. She reported that the Mobile Outreach Team will be visiting each borough for public demonstrations of the voting system. Ms. Vazquez requested for a citywide stationary approach in areas with high traffic flow. For example, the Board could park the Mobile Outreach

Truck at the South Street Seaport in Manhattan. She noted that the New York Yankee Stadium has expressed an interest in the past as well. Ms. Vazquez stated that there would be no additional costs to the Board. Secretary Umame recommended limiting Board Staff overtime usage.

Ms. Fossella requested for approval of Local Voter Registration dates and hours of operation. According to the NYS Election Law, there needs to be two (2) days to register new voters before a Presidential Election. The State Board chose Saturday, October 13, 2012 and Ms. Fossella recommended Thursday, October 11, 2012 from 1:00 P.M. to 9:00 P.M. to be held in the five (5) Borough Offices, Executive Office, and two (2) sites per Assembly District to be chosen. She reported that these Local Voter Registration events are costly, but it is required by law. Ms. Fossella noted that during the 2008 Local Voter Registration event there was a total of 2,792 voter registration forms submitted citywide. Commissioner Barrera moved to approve Ms. Fossella's recommendation to hold the required Local Voter Registration event on Thursday, October 11, 2012 from 1:00 P.M. to 9:00 P.M. to be held in the five (5) Borough Offices, Executive Office, and two (2) sites per Assembly District to be chosen. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. Ward presented the Vacancy Report dated July 31, 2012. A copy of the report is in the agenda.

Mr. Ward presented the Comparative Expenditures Report dated August 7, 2012. A copy of the report is in the agenda.

Mr. Ward distributed a copy of the Monthly PS Computation Report for FY13 to the Commissioners for informational purposes.

Mr. Naudus reported on software upgrades for the Over Vote and Double Vote screens on the Scanners and Ballot Marking Devices (BMDs). A copy of the New York State Election Commissioners Association (NYSECA) Resolution concerning this matter is in the agenda. Mr. Naudus provided a summary of the resolution. The new version of the software will change the Over Vote and Double Vote screens on the Scanners and BMDs. The screens should be converted to new version after the 2012 September Primary. Mr. Naudus reported that during the ECA's Summer Conference the other New York county boards of elections voted to not perform the upgrade at this time due to the short timeframe with the upcoming elections. The other boards of elections recommended

changing the date after the 2012 November General Election. Secretary Umane asked if the City Board could comply with the Court Order in time for the General Election. Mr. Naudus stated that the City Board could upgrade the systems, but the State Board has to certify the new software. The State Board planned on certifying the software by September 1, 2012. Commissioner Soumas recommended for Board Staff to write a letter to the Judge stating that the City Board is ready to comply to update the Scanners and BMDs immediately. Mr. Richman stated that the NYC Law Department will attend the next hearing, on behalf of the City Board, and they will convey that the City Board is prepared to comply with the Court Order as soon as the State Board provides the City Board with the new certified software.

Commissioner Barrera moved to convene an Executive Session to discuss personnel matters. Secretary Umane seconded the motion, which was unanimously adopted.

Following the Executive Session, the open public meeting resumed and Secretary Umane reported on the actions taken in Executive Session.:

I. Based on a Commissioners' Hearing, the Commissioners

unanimously agreed that Jason Garcia, a Voting Machine Technician in the Brooklyn Voting Machine Facility, is to be terminated effective by close of business today.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, August 14, 2012 at 1:30 P.M.