

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, SEPTEMBER 25, 2012
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

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

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

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
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
John Naudus, Manager, Electronic Voting Systems
Stephen Thompson, HAVA Training Specialist, EDO
Beth Fossella, Coordinator, Voter Registration
Thomas Sattie, Associate Staff Analyst, Ballot Coordinator
Joel Bermejo, Temporary Contract Attorney, OGC
Giacomo Kmet, Temporary Contract Attorney, OGC
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Zach Bofodkin, for Council Member Gale Brewer
 Marjorie Shea, Women's City Club
 Michelle Bright, Citizens Union
 Kevin Ramnaraine, NYC CFB
 Kate Doran, LWV
 Cathy Gray
 Jenna Adams, for Assembly
 John D. Smith
 Caryn Schreiber
 A.B. Britton, KLC GOP USA

President Guastella called the meeting to order at 1:37 P.M.

Commissioner Dent moved to adopt the minutes of the August 21, 2012 and August 28, 2012 meetings. Secretary Umane seconded the motion, with Commissioner Araujo abstaining. The motion was adopted.

Commissioner Sipp requested to discuss a Staten Island personnel matter in Executive Session.

Mr. Sattie reported on the amount of ballots to order for the November 6, 2012 General Election. A copy of his memorandum is in the agenda. Mr. Sattie stated that to determine the amounts of ballots to order, his department reviewed both the results and total registered voters from the 2008 General Election. Total votes cast for President/Vice President was 2,615,770. The total registered voters were 4,119,923 with a 61.45%

turnout citywide. Based on that information, Mr. Sattie recommended the following:

- **Election Day Ballots** – 125% of the registered voters 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** – 500 per Lot, per language. Amount by Lots by borough:
 - New York County – 75 Lots
 - Bronx County – 76 Lots
 - Kings County – 171 Lots
 - Queens County – 123 Lots
 - Richmond County – 7 Lots
- **Affidavit Ballots**: 250 per Election District

Secretary Umame recommended for the Board to order 110% of the registered voters for Election Day Ballots versus 125%. He raised concerns about ballot costs, waste and storage. He recalled that the State Board recommended for the City Board to order 110% in 2010. Commissioner Dent recommended for the Board to order 120% of the

registered voters to ensure that the ballots will not run out in the poll sites due to the expected high voter turnout. Commissioner Polanco agreed with Commissioner Dent and recommended 120%. Commissioner Sipp recommended for the Board to order 115% of the registered voters as a compromise. He inquired if the State Board considered NYC specifically when they recommended ordering 110% statewide. President Guastella asked staff to contact the State Board for clarification. Commissioner Polanco stated that many people will be first time voters this election and there needs to be extra ballots to allow room for error. He asked the good government groups for their opinion in this matter.

President Guastella recognized Kate Doran, a representative of League of Women Voters, who stated that as a Coordinator she does not recommend the Board ordering 125% because her poll site's Poll Books do not fill up on Election Day and excess ballots are burdensome for Poll Workers. Ms. Sandow noted that there was higher voter turnout in the 2008 General Election. Ms. Doran agreed.

Commissioner Sipp moved for the Board to order 115% of Election Day Ballots. Commissioner Schacher seconded the motion, with

Secretary Umane opposing, and President Guastella, Commissioners Dent, Araujo, and Stupp abstaining. The motion was not adopted. Commissioner Dent stated that she abstained because she trusts Mr. Sattie's recommendation to order 125%. Mr. Sattie stated that there may be an efficient amount of ballots at 115%, but it increases the risk of running out on Election Day.

President Guastella moved for the Board to order 125% of Election Day Ballots as recommended by staff. Commissioner Dent seconded the motion, with Secretary Umane, Commissioners Sipp and Schacher opposing, and Commissioner Stupp abstaining. The motion was not adopted.

Commissioner Dent moved for the Board to order 120% of Election Day Ballots. Commissioner Schacher seconded the motion, with Secretary Umane, Commissioners Araujo, Sipp and Stupp opposing. The motion was not adopted.

Commissioner Araujo moved for the Board to order 125% of Election Day Ballots as recommended by Mr. Sattie. President Guastella seconded

the motion. In a roll call vote, there were four (4) in favor (Araujo, Dent, Polanco, Guastella) and four (4) opposed (Umane, Schacher, Sipp, Stupp). The motion was not adopted. Commissioner Dent noted that she voted in favor for 125%, but feels that 120% is feasible.

Secretary Umame stated that it would be wasteful for the Board to order more than 115%. He stated that the Board will not run out of ballots based from his past experience. Commissioner Dent stated that she understands his position and does not want to be wasteful either, but that the Board should be cautious and order enough ballots to ensure that every voter has a ballot on Election Day. Commissioner Dent asked Executive Management's opinion on this matter. Ms. Perkins stated that she supports Mr. Sattie's recommendation and requested for the Commissioners to make a decision today.

President Guastella moved for the Board to order 120% of the registered voters for Election Day Ballots plus 50 ballots per Election District as backups. Commissioner Stupp seconded the motion. In a roll call vote, there were six (6) in favor (Guastella, Araujo, Dent, Polanco,

Schacher, Stupp) and two (2) opposed (Umane, Sipp). The motion was adopted.

Secretary Umame moved to adopt Mr. Sattie's recommendation for the amount of ballots to order for the 2012 General Election as amended. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. Sattie reported on the font size for the candidates' names for the 2012 General Election ballot. A copy of the memorandum is in the agenda. Mr. Sattie distributed copies of the proposed ballot. He reported that he has been working with Mr. Naudus to make the font as large as possible. The font size is 9 point that represents the best effort to make all candidate names in all languages as large as possible while complying with the NYS Election Law. Mr. Sattie stated that although going to multiple page ballots in the City is an option, the staff does not believe it is in the best interests of the Board to have a multiple page ballot for this election. The reasons follow:

- **Increased Cost** – Anywhere the Board was forced to print multiple page ballots, the cost of ballots would increase exponentially;

- **Ballot Production Delays** – Multiple page ballot production times would be dramatically delayed, both by the actual printing and by testing vendor does prior to delivery;
- **Board Testing Delays** – Anywhere the Board staff was forced to print multiple page ballots would increase the time needed to test exponentially;
- **Equipment Issues** – Both the Blue Rolling Bags used for transporting unused ballots and the Blue Bins used to holding voted ballots from the scanner were not designed to handle the amounts of paper that a multiple page ballot would generate;
- **Election Day Issues** – Poll Workers and voters have not been trained or informed on how to handle multiple page ballots, both from a legal and practical standpoint.

Mr. Sattie stated that there would be nine (9) columns across the ballot instead of eight (8) columns, the names of the candidates will be stacked in all languages, and the names will be in a 9 point font. Mr. Sattie stated that the Board cannot bold text on the ballots because it changes Chinese and Korean characters and all languages must be uniform. Secretary Umame noticed that the kerning needs to be adjusted for the

Socialism & Lib Party and Common Sense Party column. Ms. Sandow noticed that the text for U.S. Senator Gillibrand appeared low in the contest box. Mr. Naudus stated he will adjust the kerning for all candidates on the final ballot. Commissioner Polanco stated that the font size and layout is a great improvement to the ballot.

Commissioner Polanco moved to adopt the sample ballot layout provided as the official ballot layout for the 2012 General Election. Commissioner Dent seconded the motion, which was unanimously adopted.

President Guastella recognized Cathy Gray, a Poll Worker, who requested for the "Vote for One" instructions to stand out more. Mr. Sattie explained that those instructions follow the NYS Election Law.

President Guastella announced that the sample ballots will be posted on the Board's website the week of October 8, 2012. There will be one (1) month to view them online.

Mr. Naudus reported on the State Board's request to distribute educational materials related to Over Vote and Double Vote messages for the November 6, 2012 General Election. A copy of the email is in the agenda. Copies of his memorandum were distributed to the Commissioners. After reviewing these materials, Mr. Naudus discovered three (3) errors in the language used on the materials. The errors are as follows:

- The materials used the term "Overvoted Ballot," but the DS200 screen states "Over Voted Contests".
- The materials used the term "Return Ballot," but the DS200 screen states "Correct Your Ballot".
- The materials show a sample ballot with the phrase "Vote for one," but the Board's ballots do not have that phrase in accordance with NYS Election Law.

Mr. Naudus stated that the voter handout will be available at the poll site and in the Privacy Booths, and the educational flyer is for Poll Workers at the poll site to ensure that all voters receive consistent information. Secretary Umame asked if the State Board's language was approved by the Court. Mr. Richman stated that the State Board failed to comply with the

Court so these materials are an alternate remedy which has not been pre-cleared by the U.S. Department of Justice (DOJ) yet. This plan is for interim relief only. Commissioner Dent asked Mr. Naudus to advise the State Board of these errors. Ms. Sandow stated that staff will call and submit the corrections in writing to the State Board. Ms. Perkins reported that the Board needs the State Board's corrections by October 1, 2012 so staff can attach them to the Privacy Booths and insert them in the Coordinator packets. In addition, the Coordinators have to be trained. Commissioner Araujo stated that the Board has to be prepared and suggested to print and distribute these educational voter handout and flyers as soon as they are corrected by the State Board. He stated that if these materials are not approved by the DOJ then they can be pulled from the Coordinator packets and ED Supply Carts. Ms. Sandow stated that the City Board is making the best effort to distribute these Over Vote and Double Vote educational materials to aid the voters, but staff wants to correct it first. Commissioner Polanco moved to authorize staff to move forward with the Over Vote and Double Vote educational flyers contingent on the State Board making the City Board's revisions by October 1, 2012. President Guastella seconded the motion, which was unanimously adopted.

Mr. Thompson reported that there is a Coordinator and Information Clerk Training refresher class. The main focus of the Information Clerk class will be the Street Finder and Poll Site Finder due to the redistricting. The class will be approximately one (1) to two (2) hours and pay will be \$25 each. There are approximately 1,200 Information Clerks. The Coordinator class will focus on the ADA Journal, PMD Yellow Pouch, Affidavit Ballots, Poll Watcher Rules, and the State Board's Over Vote and Double Vote educational flyers. There are approximately 1,400 Coordinators. The class will be approximately one (1) to two (2) hours and pay will be \$50 each. Secretary Umane asked what happens if these Poll Workers do not show up to the refresher training class. Ms. Sandow stated that all Coordinators and Information Clerks have to attend class otherwise they will not work on Election Day. She stated that Poll Worker service needs to 100% on Election Day. Commissioner Polanco moved to authorize the Information Clerk and Coordinator Training refresher classes with a requirement that they cannot work on Election Day if they are not retrained. President Guastella seconded the motion, which was unanimously adopted.

Commissioner Araujo inquired if the Information Clerks could be provided with a smart phone or tablet to use the Board's Poll Site Locator

App which produces results faster than the Street Finder book. Ms. Sandow stated that staff considered that option, but there is great concern that the smart phone or tablet will not be returned back to the Board. She recalled that the Board had issues in the past with floor mats not being returned. Ms. Vazquez stated that a 24" x 36" poster with the Poll Site Locator App QR code will be in all poll sites for smart phone users.

Ms. Fossella presented the monthly report of voter registrations for September 1, 2012 – September 24, 2012. Copies of the report were distributed to the Commissioners. Ms. Fossella reported that a total of 88,241 registrations were submitted to the Board citywide. Ms. Fossella thanked the Phone Bank Staff and Front Counter Staff for their assistance. Secretary Umane reminded the good government groups and community organizations to submit their voter registrations to the Board as soon as possible to ensure that the voters' names will be printed in the Poll Books. Ms. Sandow recommended for the good government groups and community organizations to make copies of the registrations for their press releases so that they do not hold on to them until the last day of registration. She reiterated that it is important to submit all voter registrations to the Board as soon as possible. Ms. Fossella is contacting

all good government and community groups to remind them to submit their forms. Friday, October 12, 2012 is the last day to register and all registrations must be postmarked by midnight. The Local Registration Events will take place on October 11th and 13th from 1:00 P.M. to 9:00 P.M. at selected sites citywide. A list of sites will be posted on the Board's website.

President Guastella recognized Marjorie Shea, a representative of Women's City Club, who asked when the Local Registration Event list will be posted. Ms. Sandow reported that the list will be posted immediately after the NYC Department of Education approves the selected sites.

Mr. Ward presented the Vacancy Report dated September 25, 2012. A copy of the report is in the agenda.

Mr. Ward presented the NYC Office of Management and Budget (OMB) November 2012 Financial Plan. A copy of the plan is in the agenda. Mr. Ward reported that he is currently drafting a response to OMB.

President Guastella recognized Alan Flacks, a member of the public, who recommended Mr. Savino to be appointed to the title of Assistant General Counsel and recommended that the Board use a total of two (2) laptops in the Police Precincts to increase the flow of election results on Election Night. Ms. Sandow stated that there is not enough space at most Police Precincts and there are staffing issues, but Mr. Naudus has been looking into it.

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

Following the Executive Session, the open public meeting resumed and President Guastella reported the following action unanimously taken by the Commissioners in Executive Session:

- I. The Commissioners unanimously authorized the appointment of twenty (20) additional Temporary Clerks for the Staten Island Office Phone Bank equally divided between Democratic and Republican Parties to be hired from October 1, 2012 through November 9, 2012.

President Guastella moved to adjourn the meeting. Secretary Umane seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, October 2, 2012 at 1:30 P.M.