

MEETING OF THE BOARD OF CANVASSERS AND  
MEETING OF THE COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, OCTOBER 23, 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. Umane

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

Dawn Sandow, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
Raphael Savino, Director, Campaign Finance Enforcement Reporting  
John Ward, Finance Officer  
Dorothy Delayo, Director, Personnel  
Valerie Vazquez, Director, Communications and Public Affairs  
Gregory Lehman, Chief Clerk, Manhattan Office  
Timothy Gay, Deputy Chief Clerk, Manhattan Office  
Troy Johnson, Coordinator, Candidate Records Unit  
Stephen Thompson, HAVA Training Specialist, EDO  
Rachel Knipel, Coordinator, Language Assistance Program  
Joel Bermejo, Temporary Contract Attorney, OGC  
Giacomo Kmet, Temporary Contract Attorney, OGC  
Kenneth M. Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST:       Kate Doran, LWV  
                  Brigid Bergin, WNYC  
                  Devin Cain, Weil  
                  Maria Vorobieva, for Assembly Member Kavanagh  
                  Diala Quashie, for Council Member Gale Brewer  
                  John D. Smith  
                  Shauna Denkensohn, NYC CFB  
                  Susan Lerner, Common Cause

Alex Camarda, Citizens Union  
Cathy Gray  
John D. Smith  
A.B. Britton, KLC GOP USA  
Alan Flacks, Member of NY County Democratic Committee

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President Guastella called the meeting to order at 1:41 P.M.

Pursuant to the provisions of Title 2 of Article 9 of the NYS Election Law, specifically Section 9-204, President Guastella convened the meeting of the Board of Canvassers in the City of New York to certify the results of the September 13, 2012 Primary Election for Delegate to the Judicial Convention in the 75<sup>th</sup> Assembly District in New York County.

President Guastella designated Commissioner Soumas to serve as the second Democratic Member of the Canvassing Board to sign the Statement and Return of Canvass.

Secretary Umame designated Commissioner Schacher to serve as the second Republican Member of the Canvassing Board to sign the Statement and Return of Canvass.

President Guastella called upon Mr. Richman to provide some background information for the Board of Canvassers. Mr. Richman stated that in accordance with the provisions of Article 9, the Board conducted a recanvass of the votes cast at the poll sites using the ballot scanners and a canvass of absentee, affidavit, special and emergency ballots. In accordance with Section 14 of the Board's Post-Election Activities Procedures adopted in 2010 and pre-cleared by the Attorney General of the United States, a full manual recount of all the ballots cast in this Primary Election was required since the margin of victory was less than ten votes. The Commissioners adopted additional guidelines to prepare the ballots for such a recount on May 15, 2012. That manual recount began, upon notice to the candidates on Friday, September 28, 2012 under the direction of Manhattan's Chief Clerk and Deputy Chief Clerk. That process concluded this past Saturday, October 20, 2012. This is the third time that the Board's manual recount procedures have been used since the introduction of the new poll site based optical scanning system of voting.

Mr. Lehman and Mr. Gay presented the Return of Canvass for the September 13, 2012 Primary Election for Delegate to the Judicial Convention in the 75<sup>th</sup> Assembly District in New York County.

Mr. Lehman and Mr. Gay confirmed that the results presented in the reports are accurate and correct. There were no discrepancies. A full manual recount of all the ballots cast in this Primary Election has been conducted in place of the audit of voter verifiable audit records required by Section 9-211 of the NYS Election Law.

Commissioner Soumas moved that the Board of Canvassers certify the Return of Canvass for the September 13, 2012 Primary Election conducted in the 75<sup>th</sup> Assembly District in New York County for Delegate to the Judicial Convention. Secretary Umame seconded the motion, which was unanimously adopted.

Secretary Umame moved to authorize the use of the Commissioners' signature stamps as appropriate on each Statement and Return of Canvass. President Guastella seconded the motion, which was unanimously adopted.

Commissioner Dent moved to adjourn the meeting of the Board of Canvassers and to convene the weekly stated meeting of the

Commissioners of Elections in the City of New York. Secretary Umare seconded the motion, which was unanimously adopted.

Commissioner Araujo moved to table the minutes of the October 9, 2012 and October 16, 2012 meetings. Commissioner Dent seconded the motion, which was unanimously adopted.

Ms. Knipel presented the revised Asian-Indian Language Assistance Interim Plan for the November 6, 2012 General Election. A copy of the draft plan is in the agenda. The revisions include the following:

- Retraining for Bengali and Hindi Interpreters and Executive Office AD Monitoring Teams who will be visiting Asian-Indian targeted poll sites on Election Day;
- All updated information will be included in the Queens Coordinator retraining class;
- 50 Bengali translated Candidate Lists, 50 Bengali translated Sample Ballots, and the inclusion of Bengali on the Sample Ballot Poster at each targeted ED table;

- All AD Monitoring Teams for the targeted sites will be equipped with Asian-Indian Monitoring Supply Bags containing all Bengali and Hindi materials.

Ms. Knipel requested approval of the revised interim plan. It was confirmed that the Office of the General Counsel, NYC Law Department and community groups reviewed this plan. Commissioner Dent moved to adopt the revised Asian-Indian Language Assistance Plan for the November 6, 2012 General Election. Commissioner Araujo seconded the motion, which was unanimously adopted.

Ms. Sandow requested to add an item to the agenda. She reported that all voter registrations citywide were inputted into the computer system by the deadline. From January 1, 2012 to present date there were a total of 531,986 voter registrations submitted to the Board, and from October 1, 2012 to October 23, 2012 there were a total of 160,234. Ms. Sandow reported that Bronx, Staten Island and Queens Offices are currently proofing their Poll List Books. The Manhattan and Brooklyn Offices are scheduled to receive their Poll List Books tomorrow and will start proofing. The Poll List Books will then be inserted into the lowest

ED Supply Carts on Monday. Ms. Sandow reported that the Board is ahead of schedule. Commissioner Dent stated that is wonderful news. Ms. Sandow stated that Board Staff worked 24 hours, 7 days a week, inputting voter registrations and thanked everyone who assisted with this huge task. She thanked Queens, Bronx and Staten Island Office Staff who assisted the Manhattan and Brooklyn Offices. Commissioner Stupp commended Ms. Sandow and Ms. Perkins for completing this project by the deadline.

Mr. O'Grady reported on the status of the Voting Machine Facilities (VMFs) for the November 6, 2012 General Election. He reported that there are a total of 1,256 poll sites and 5,287 Election Districts (EDs) citywide.

The total amount of equipment deployed citywide follows:

- Scanners – 3,689
- BMDs – 1,285
- ED Supply Carts – 5,187
- Privacy Booths – 15,484
- Chairs – 32,182
- Tables – 7,048

Mr. O'Grady reported that the Bronx and Staten Island VMFs have tested and sealed their scanners and BMDs. The Queens, Manhattan and Brooklyn VMFs are currently testing their scanners and BMDs and they are expected to be sealed by October 25, 2012. Mr. O'Grady stated that there has been cost savings of \$81,000 and it is expected that there will be an additional savings of \$61,000 when the Manhattan and Brooklyn VMFs are complete. The cost savings is from the VMF tasks being completed ahead of schedule with ES&S support. Commissioner Schacher requested for these statistics to be emailed to the Commissioners.

Mr. O'Grady reported on the status of ADA Compliance for the November 6, 2012 General Election. He distributed samples of ADA Compliance packages to the Commissioners. Mr. O'Grady stated that his staff created ADA Compliance packages which contain materials such as Special Instructions, ADA Journals, ADA complaint forms, durable weather resistant ADA signs, and 5 foot chains to be used for ADA compliant measurements. These packages will be inserted into the lowest ED Supply Carts and will be given to the Coordinators and AD Monitoring Teams. Mr. O'Grady presented all sample ADA signs to the Commissioners. He stated that there is additional ADA signage to be used mid-path to direct

disabled voters to an Accessible Entrance. Mr. O'Grady confirmed that these ADA Compliance packages were created in-house to save on costs. Mr. Richman reported that these packages were approved by Judge Batts which includes her recommendations. The ADA Journal was revised to improve the data recording by the Coordinator and the ADA complaint forms were mandated. Mr. Richman stated that CIDNY will be training the Poll Workers for the next two (2) weeks on ADA Compliance. He stated that this plan is for interim relief. President Guastella noted that the ADA Journals were originally drafted by Board Staff and were used for the 2012 September Primary Election. Commissioner Stupp inquired why the international disabled symbol signs have text. Mr. Richman stated that the text will be translated in the covered languages to clearly mark the signage. The signage will be translated for the language specific boroughs. Commissioner Polanco thanked Mr. O'Grady for all of his hard work.

On behalf of Ms. Rahmouni, Mr. Thompson distributed the Poll Worker Exception Reports for the November 6, 2012 General Election for all boroughs. Commissioner Soumas moved to adopt the Poll Worker Exception Reports for all boroughs. Secretary Umame seconded the motion, which was unanimously adopted.

Mr. Ward presented the Vacancy Report dated October 23, 2012. A copy of the report is in the agenda.

Mr. Richman requested to discuss litigation and personnel matters in Executive Session.

President Guastella recognized Alan Flacks, a member of the public, who asked the Commissioners to appoint him as Executive Director. Mr. Flacks thanked the Commissioners for printing the pages of the Commissioners' Agenda back-to-back. Mr. Flacks raised concerns that his poll site has a total of five (5) EDs and the space is getting too small for the voters.

Ms. Vazquez requested to add items to the agenda. She reported that there are copies of letters from the City Council and NYC Public Advocate Bill DeBlasio in the agenda concerning correct poll site information. Ms. Vazquez reported that staff will create a tab on the Board's website stating, "Poll Site Changes Post Primary Election 2012" and it will be listed by borough and under the original poll site.

Ms. Vazquez provided an update on the AD Monitoring Team tablets. She reported that the Board received one (1) tablet yesterday and Mr. Thompson is currently reviewing the tablet's application to ensure it is user friendly and the information is correct. A total of twenty (20) AD Monitoring Team tablets will be used in the Pilot Program for the 2012 General Election.

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

Following Executive Session, the open public meeting resumed and President Guastella reported the actions taken by the Commissioners in Executive Session.:

- I. The Commissioners unanimously adopted the following relating to AD Monitors for the November 6, 2012 General Election:
  - i. The policy to require all AD Monitors to complete their reports at the condition for employment established for the 2012 September Primary Election is continued;
  - ii. Each AD Monitor will be asked to provide a signed

- acknowledgment that he/she received copy of said policy;
- iii. Board Staff will ensure that an enforcement mechanism is in place so that no AD Monitor is paid until confirmation is received that all reports are properly completed and filed;
  - iv. The AD Monitoring Report is amended to include a statement that the AD Monitor has inspected that poll site's ADA Journal to ensure that it is being properly filled out.

- II. By a vote of six (6) in favor and three (3) opposed, the Commissioners directed that each AD Monitoring Team shall visit a poll site once and that a different AD Monitoring Team for that AD will perform a second visit during Election Day.

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

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