

MEETING OF THE COMMISSIONERS COMMITTEE
ON CONTINGENCY PLANNING FOR THE
2013 PRIMARY AND RUNOFF PRIMARY ELECTIONS
HELD ON THURSDAY, JANUARY 3, 2013
AT 1:30 P.M.

42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Maria R. Guastella
Commissioner Jose Araujo
Commissioner Nancy Mottola-Schacher

Dawn Sandow, Deputy Executive Director
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel/Campaign Finance Enforcement
John Ward, Finance Officer
Valerie Vazquez, Director, Communications & Public Affairs
John Naudus, Manager, Electronic Voting Systems
Steven Ferguson, Director, Management Information Systems
Thomas Sattie, Associate Staff Analyst, Ballot Management
Daniel Lavelle, Associate Staff Analyst, Phone Bank & Front Counters
Nicholas Squicciarini, Manager, Facilities
Beth Fossella, Coordinator, Voter Registration
Stephen Thompson, HAVA Training Specialist, EDO
Giacomo Kmet, Temporary Contract Attorney, OGC
Joel Bermejo, Temporary Contract Attorney, OGC

GUESTS: Alex Camarda, Citizens Union
Rachael Fauss, Citizens Union
Judd Ryan, ES&S

President Guastella called the meeting to order at 1:48 P.M.

Mr. Richman announced that Commissioners Polanco and Stupp could not attend the meeting due to scheduling conflicts.

Commissioner Araujo stated that the purpose of the meeting was to explore potential options if the Board is required to conduct the 2013 Elections in accordance with the current election calendar.

Mr. Richman stated that the current law provides that the 2013 Primary Election will be held on Tuesday, September 10, 2013 and any required Runoff Primary Election fourteen (14) days later on Tuesday, September 24, 2013 and the 2013 General Election on Tuesday, November 5, 2013. In 2012, there was no legislative agreement to modify the election calendar. That resulted in a Federal Court ordering a June Federal Office Primary Election, in addition to the State Law mandated September Primary Election. In order to be prepared for any eventuality, including an unchanged 2013 Election Calendar, Board Staff drafted a preliminary contingency plan. He stated that some options presented will need changes to the law and noted that the proposed outline is a working intra-agency draft.

Mr. Richman stated that under all circumstances, but particularly if the Primary Election and Runoff Primary Election are to be conducted fourteen (14) days apart, the Board reiterates its request that 104 permanent staff be approved immediately.

The following are the potential options that were reviewed by Board Staff:

- **Option A** – Conducting Primary and Runoff Primary Utilizing the Poll Site Voting System
- **Option B** – All Paper Ballot Runoff Primary (No New Scanners Having Been Procured)
- **Option C** – Use Lever Voting Machines
- **Option D** – Labels on the Ballot
- **Option E** – Instant Runoff
- **Option F** – Citywide Office Primary on the Last Tuesday of June; Other Offices and Runoff in September
- **Option G** – Eliminate the Runoff
- **Option H** – Candidate “A” and Candidate “B” Appearing on the Ballot

President Guastella recognized Alex Camarda, a representative of Citizens Union, who stated that he supported the elimination of a Runoff Primary Election, but it would require a statutory change. Mr. Ward stated that this option would result in the potential savings of an estimated \$20,000,000 which is the cost of conducting a citywide election.

The Committee unanimously directed Board Staff to do the following:

- Circulate all draft potential options to all Commissioners;
- Move forward with Option E - Instant Runoff and Option H - Candidate "A" and Candidate "B" Appearing on the Ballot. It was noted that these options would require additional voter education outreach;
- Request that the New York City Law Department explore the option of commencing a declaratory judgment proceeding in NYS Supreme Court to seek a judicial determination as to how the Board should proceed given the conflicting statutory requirements relating to the runoff;
- Send a revised letter to the NYS Legislature concerning the issues discussed with the 2013 Primary and Runoff Primary Elections.

Ms. Sandow stated that Board Staff will discuss these potential options with the State Board Staff and other members during the Election Commissioners' Association (ECA) Winter Conference the week of January 14, 2013.

President Guastella thanked Board Staff for their hard work developing these potential options.

The Committee stated that they will share their input with all Commissioners at the next public meeting on Tuesday, January 8, 2013.

President Guastella moved to adjourn the meeting of the Commissioners' Committee which was unanimously adopted.