

MEETING OF THE BOARD OF CANVASSERS
AND THE MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MARCH 19, 2013
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Frederic M. Umane
Secretary Gregory C. Soumas

Commissioners Araujo, Dent, Michel, Shamoun, Sipp

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Associate
Raphael Savino, Deputy General Counsel
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Troy Johnson, Coordinator, Candidate Records Unit
Rayvon Weaver, Administrative Assistant, Candidate Records Unit
Gerard Sullivan, Trainer's Assistant, Candidate Records Unit
Anthony Ribustello, Deputy Chief Clerk, Bronx Office
Marricka Scott-McFadden, Deputy Chief Clerk, Bronx Office
Diane Rudiano, Chief Clerk, Brooklyn Office
Maryrose Sattie, Deputy Chief Clerk, Brooklyn Office
Gregory Lehman, Chief Clerk, Manhattan Office
Timothy Gay, Deputy Chief Clerk, Manhattan Office
Giacomo Kmet, Temporary Contract Attorney, OGC
Kenneth M. Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV
A.B. Britton, KLC GOP USA
Kevin Ramnaraine, NYC CFB
John D. Smith
Will Colegrove, NYCC

David Seitzer
J. M.
A. A., Citizens Union
B. Bergin

President Umane called the meeting to order at 1:30 P.M.

President Umane stated that pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, specifically Section 9-204, he called the meeting of the Board of Canvassers in the City of New York to order for the purposes of certifying the amended results of the canvass and recanvass of the votes cast at the November 6, 2012 General Election for public office in Richmond, Queens, Bronx, New York, and Kings Counties. This amended certification is necessary as ballots cast in New York County in the November 6, 2012 General Election by registered voters from various boroughs in the City of New York were identified, validated and canvassed. The ballots, some of which were cast pursuant to the Governor's Executive Order allowing voters in New York City to vote at any poll site, were misfiled among various materials returned from the election. The ballots were stored in double-locked secure areas within our offices since the November 6, 2012 election.

To serve as the other Republican Member of the Canvassing Board, President Umane designated the Republican Commissioners of Richmond County, Kings County and Queens County for their respective counties. President Umane designated Commissioner Sipp for New York County, Bronx County and the citywide multi-county recaps.

President Umane asked Secretary Soumas to designate the other Democratic Commissioners of Queens County and Kings County for their respective counties, and another Democratic Commissioner for New York County, Bronx County, and Richmond County, and for the citywide multi-county recaps. Secretary Soumas designated Commissioner Araujo.

President Umane stated that the Chief Clerk and Deputy Chief Clerk of Staten Island and their staff have prepared and signed the amended Statement and Return of Canvass for the General Election conducted in Richmond County on November 6, 2012. On behalf of the Chief Clerk and Deputy Chief Clerks, Mr. Johnson presented them to the Canvassing Board for review. Mr. Johnson reported that he had a telephone conversation with the Staten Island Chiefs prior to the meeting and they confirmed that the results presented in the reports are accurate and correct. There are no

discrepancies. The audit of voter verifiable audit records required by Section 9-211 of the NYS Election Law has been successfully completed. Commissioner Sipp moved that the Board of Canvassers certify the amended Statement and Return of Canvass for the General Election conducted in Richmond County on November 6, 2012. Commissioner Araujo seconded the motion, which was unanimously adopted.

President Umane stated that the Chief Clerk and Deputy Chief Clerk of Queens and their staff have prepared and signed the amended Statement and Return of Canvass for the General Election conducted in Queens County on November 6, 2012. On behalf of the Chief Clerk and Deputy Chief Clerks, Mr. Johnson presented them to the Canvassing Board for review. Mr. Johnson reported that he had a telephone conversation with the Queens Chiefs prior to the meeting and they confirmed that the results presented in the reports are accurate and correct. There are no discrepancies. The audit of voter verifiable audit records required by Section 9-211 of the NYS Election Law has been successfully completed. Commissioner Araujo moved that the Board of Canvassers certify the amended Statement and Return of Canvass for the General Election

conducted in Queens County on November 6, 2012. Commissioner Michel seconded the motion, which was unanimously adopted.

President Umane stated that the Chief Clerk and Deputy Chief Clerk of the Bronx and their staff have prepared and signed the amended Statement and Return of Canvass for the General Election conducted in Bronx County on November 6, 2012. Mr. Ribustello and Ms. Scott-McFadden presented them to the Canvassing Board for review. Mr. Ribustello and Ms. Scott-McFadden confirmed that the results presented in the reports are accurate and correct. There are no discrepancies. The audit of voter verifiable audit records required by Section 9-211 of the NYS Election Law has been successfully completed. Commissioner Araujo moved that the Board of Canvassers certify the amended Statement and Return of Canvass for the General Election conducted in Bronx County on November 6, 2012. President Umane seconded the motion, which was unanimously adopted.

President Umane stated that the Chief Clerk and Deputy Chief Clerk of Manhattan and their staff have prepared and signed the amended Statement and Return of Canvass for the General Election conducted in

New York County on November 6, 2012. Mr. Lehman and Mr. Gay presented them to the Canvassing Board for review. Mr. Lehman and Mr. Gay confirmed that the results presented in the reports are accurate and correct. There was one discrepancy which is indicated in their report. The audit of voter verifiable audit records required by Section 9-211 of the NYS Election Law has been successfully completed. President Umane moved that the Board of Canvassers certify the amended Statement and Return of Canvass for the General Election conducted in New York County on November 6, 2012. Secretary Soumas seconded the motion, which was unanimously adopted.

President Umane noted that Commissioner Dent joined the meeting.

President Umane stated that the Chief Clerk and Deputy Chief Clerk of Brooklyn and their staff have prepared and signed the amended Statement and Return of Canvass for the General Election conducted in Kings County on November 6, 2012. Ms. Rudiano and Ms. Sattie presented them to the Canvassing Board for review. Ms. Rudiano and Ms. Sattie confirmed that the results presented in the reports are accurate and correct. There was one discrepancy which is indicated in their report.

The audit of voter verifiable audit records required by Section 9-211 of the NYS Election Law has been successfully completed. Commissioner Dent moved that the Board of Canvassers certify the amended Statement and Return of Canvass for the General Election conducted in Kings County on November 6, 2012. Commissioner Shamoun seconded the motion, which was unanimously adopted.

President Umane asked Mr. Johnson to submit the amended Recapitulation Statement and Return of Canvass for the General Election conducted on November 6, 2012 for those Districts which cross county lines within the City of New York. Mr. Johnson confirmed that the amended Recapitulation Statement and Return of Canvass that was just submitted accurately and correctly reflects the amended Statement and Return of Canvass for each contest as certified and amended by this Canvassing Board at our meetings held on December 18th and 28th, 2012 and January 15th, 22nd and February 12th, 2013. Based on that report, Commissioner Araujo moved to approve and adopt the Recapitulation Statement and Return of Canvass for the General Election conducted on November 6, 2012 for those Districts which cross county lines within the City of New York and whose respective counties' Statement and Return of

Canvass have been approved or approved as amended at this Board's December 18th and 28th, 2012 and January 15th, 22nd and February 12th, 2013. Commissioner Dent seconded the motion, which was unanimously adopted.

Commissioner Dent moved that the Board of Canvassers authorize staff to affix the applicable signature stamps to the appropriate Statement of Return of Canvass adopted by the Board. Secretary Soumas seconded the motion, which was unanimously adopted.

Secretary Soumas 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. President Umane seconded the motion, which was unanimously adopted.

Ms. Delayo requested to add an Executive Session to discuss a personnel matter.

Mr. Ward reported on the Comparative Expenditures Report dated March 19, 2013. A copy of the report is in the agenda.

Mr. Ward reported that the pending Budget Modification (MN) that was outlined in the Board's Testimony was approved by the City Council.

Mr. Savino requested to add an item to the agenda for informational purposes only. He recalled that the Commissioners requested staff to research a patent, trade mark, and copyright for the Voting Kiosk which was developed entirely by the City Board's staff. Board Staff met with an attorney from the NYC Law Department yesterday. The attorney requested more information to review and recommended that the Board copyright the software's code which would cost approximately \$35.00. The attorney is currently researching the patent and trade marking of the concept with other experts in the field and will schedule another meeting with the Board in the future.

Secretary Soumas moved to convene an Executive Session to discuss a personnel matter. Commissioner Dent seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed and President Umane reported on the action taken in Executive Session:

- I. The Commissioners unanimously terminated Nicholas Bellucci, an Administrative Assistant in the Executive Office, for cause, effective immediately.

President Umane moved to adjourn the meeting which was unanimously adopted.

The next stated meeting of the Commissioners is scheduled for Tuesday, March 26, 2013 at 1:30 P.M.