

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, AUGUST 20, 2013
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

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

Commissioners Naomi Barrera, Julie Dent, Michael Michel, Michael Rendino, Simon Shamoun, J.P. Sipp

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Raphael Savino, Deputy General Counsel
John Ward, Finance Officer
John Naudus, Manager, Electronic Voting Systems
Valerie Vazquez, Director, Communications & Public Affairs
John O'Grady, Chief Voting Machine Technician, VEOU
Thomas Sattie, Associate Staff Analyst, Ballots/Candidate Records Unit
Debra Leible, Coordinator, Election Day Operations
Giacomo Kmet, Contract Attorney, Office of the General Counsel
Anibal Luque, Contract Attorney, Office of the General Counsel
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: C. Gross, NY1
 A. Maslow
 Anna-Maria Thomas
 M. Bartley, CIDNY
 Kate Doran, LWV
 John D. Smith
 Chester Soria, Gotham Gazette
 J. Melendez, NY Daily News

K. Loving, CFB
Jane Lloyd, Fort Orange Press
A.B. Britton, KLC GOP USA
B. Kearney, DOI
A. Brush, DOI
Eve O., DOI
M. A. Benjamin
W. Colegrove, for Council Member Brewer
David Seitzer, NYC Council

Secretary Soumas called the meeting to order at 1:43 P.M.

Secretary Soumas moved to table the minutes of the August 6, 2013 and August 13, 2013 meetings. Commissioner Barrera seconded the motion, which was unanimously adopted.

Secretary Soumas noted that Commissioner Dent joined the meeting.

Ms. Leible requested approval of the revised draft letter addressed to citywide County Chairs and District Leaders concerning a 2013 Primary Election update. Copies of the revised draft were distributed to the Commissioners. Secretary Soumas stated that he is not approving the draft letter as written for New York County Democrats. Secretary Soumas moved to table this item. Commissioner Sipp seconded the motion, which

was unanimously adopted.

Mr. Naudus presented the State Board's Resolution regarding the continued Certification of the TeamWork System. He reported that the State Board added an audit requirement. Mr. Naudus prepared the draft Central Ballot Scanning System Audit Procedures and requested approval from the Commissioners. Copies of the Resolution and draft were emailed and distributed to the Commissioners. Mr. Naudus reported that the EVS Department and Mr. Richman have reviewed and approved the draft procedures. Secretary Soumas noted that Mr. Richman was absent and inquired if Mr. Savino approves the draft. Mr. Savino stated that he approves the draft procedures as well. Commissioner Michel moved to approve the Central Ballot Scanning System Audit Procedures. Commissioner Barrera seconded the motion, which was unanimously adopted.

Secretary Soumas noted that President Umame joined the meeting.

In Mr. Johnson's absence, Mr. Sattie presented the draft Notice to All Candidates for the September 10, 2013 Primary Election. Copies of the

draft were distributed to the Commissioners. Mr. Sattie noted that the inspection schedule may have to be adjusted if there are any changes to the ballots due to pending litigation. If the Notice is mailed today, an amended Notice may be needed for those candidates affected by litigation. Secretary Soumas inquired about the deadline in order to establish timeframes for the inspection schedule. Mr. Sattie stated that he can address that issue next Tuesday. Secretary Soumas moved to table this item for one (1) week. Commissioner Sipp seconded the motion, which was unanimously adopted. Mr. Sattie requested to amend his deadline and to discuss this item further today. Commissioner Sipp moved to rescind the previous motion. Commissioner Barrera seconded the motion, which was unanimously adopted. Mr. Sattie suggested sending the Notice to Candidates today because he expects a limited second mailing if there are any changes to the ballots due to pending litigation. Mr. Ryan inquired about the estimated amount of potential amended letters and cost. Mr. Sattie stated that he expects to meet the deadline and that it would be a limited second mailing, if needed. Secretary Soumas inquired if the Board could post the Notice to Candidates on the Board's website stating that the inspection schedule is subject to change. Commissioner Sipp inquired if it was a requirement to give notice to the candidates via First

Class Mail. Secretary Soumas asked Mr. Savino to research the NYS Election Law and to provide an answer after Executive Session.

Mr. Ward presented the Comparative Expenditures Report dated August 20, 2013. A copy of the report is in the agenda.

President Umame moved to convene an Executive Session for purposes of investigation and personnel. Secretary Soumas seconded the motion, which was unanimously adopted.

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

- I. The Commissioners determined to place Christine Zimmerman and Richard Menegalli, Voting Machine Technicians in the Queens Office, on one (1) year probation, effective immediately.

President Umame recalled Mr. Sattie's item concerning the draft Notice to All Candidates. Mr. Sattie reported that he, Mr. Savino and Mr. O'Grady suggested amending the Notice to All Candidates by changing

the first date of inspection to Friday, August 30, 2013. If a ballot is not loaded on the voting machines in time of the inspection date, the candidate and/or representative will be notified in person at the VMF and will given a date and time to return, as done per past practice. Mr. Savino confirmed that pursuant to the NYS Election Law, the State's Rules and Regulations, and the Board's Policies and Procedures, the Notice to All Candidates must be sent in writing via First Class Mail. He added that the inspection of the ballots was being scheduled earlier than is customary in an effort to save approximately \$300,000 in trucking and overtime costs that will be incurred if the Board has to keep public schools open to deliver voting equipment on the Jewish Holidays. Secretary Soumas moved to adopt the recommendations as outlined by Mr. Sattie. Commissioner Barrera seconded the motion, which was unanimously adopted.

Commissioner Barrera moved to adjourn the meeting. President Umane seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, August 27, 2013 at 1:30 P.M.