

Approved # 3132

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, DECEMBER 10, 2013
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Frederic M. Umane

Commissioners Jose Araujo, Julie Dent, Michael Michel, Michael Rendino,
Simon Shamoun

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Ward, Finance Officer
Valerie Vazquez, Director, Communications & Public Affairs
Dorothy Delayo, Director, Personnel
John Naudus, Manager, Electronic Voting Systems
Thomas Sattie, Associate Staff Analyst, Ballot Management/CRU
Debra Leible, Coordinator, Election Day Operations
Stephen Thompson, HAVA Training Specialist, Election Day Operations
Giacomo Kmet, Temporary Contract Attorney, OGC
Anibal Luque, Temporary Contract Attorney, OGC
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Cathy Gray
Douglas Kellner, Co-Chair, NYS BOE
Kate Doran, LWV
Annette Amazara, DOI
Carolyn Sheehan, DOI
K. Loving, CFB
John D. Smith
Alex Camarda, Citizens Union

President Umane called the meeting to order at 1:40 P.M.

Commissioner Dent moved to approve the minutes of the November 26, 2013 and December 3, 2013 meetings. Commissioner Michel seconded the motion, with Commissioner Araujo abstaining on the December 3, 2013 meeting. The motion was not adopted. Commissioner Araujo noted that he abstained because he was not present at that meeting. There was a consensus among the Commissioners to table the minutes.

Douglas Kellner, the Co-Chair of the New York State Board of Elections, presented his memorandum to the Commissioners. Copies of his report were distributed. Mr. Kellner summarized six (6) issues that he urges the City Board to consider as priorities for improving election administration. The issues are the following:

- Compliance with the “30 Minute Rule” for waiting to vote for the November 2016 Presidential General Election;

- Planning for the 2017 Run-off Primary Election;
- Ballot design issues;
- Improving coordination between the City Board and State Board on voting system issues;
- Ideas for improving the audit and recanvass process;
- Upgrading the poll worker computer system.

It was noted that these six (6) issues are Mr. Kellner's personal recommendations; not the State Board's.

President Umane discussed the issue concerning the size of the ballot for rank voting and inquired if ES&S' DS200 Scanner has the capabilities to conduct rank voting for an Instant Run-off Election. Mr. Kellner reported that the DS200 Scanner could run a rank voting system, but there is no certified algorithm software yet. He noted that he does not recommend the City Board to use the Minneapolis, MN instant run-off voting (IRV) ballot layout style. He recommended three (3) voting boxes next to the candidates' names for a 1st, 2nd, and 3rd choice. Mr. Kellner stated that he marked-up a Queens' ballot to show how the ballot layout could work in an Instant Run-off Election. The sample Queens' ballot will be emailed to the Commissioners for review. President

Umane stated that the Board is currently researching IRV and noted that it is a time consuming process to get a new system approved by the State Board and then the City Board. In addition, there would be ballot issues such as multiple pages and multiple required languages. The Board formed a Ballot Design Committee that will meet in January 2014 to start working on these issues in advance. Mr. Ryan recalled that there are currently two proposed IRV bills; one from the City Council and one the NYS Assembly. If the State Legislature does not act and the City Council's bill is passed, a proposal is required on the ballot concerning Instant Run-off Elections.

President Umane discussed the issue of poll workers. He recalled that the City Board has been discussing poll worker split-shifts for years, but there has been trouble recruiting poll workers. In addition, there have been major problems trying to attract high-quality poll workers. The Board has discussed ideas such as waiving jury duty if one works as a poll worker, having City Employees work as poll workers, as well as giving lawyers Continuing Legal Education (CLE) credit if they work as a poll worker. The Board has outreached to college campuses as well. The Board is constantly working to improve this poll worker issue.

Mr. Kellner suggested poll workers to be trained in specific tasks instead of all functions. President Umane noted that the Board has to train the poll workers on all poll site functions in case there are no-shows at the poll sites. The poll worker track record for attendance has been low.

President Umane discussed the “30 Minute Rule.” He reported that staff is researching Tablets to be utilized as Poll Books for voters to sign-in which would speed up the poll site check-in process. Ms. Sandow reported that staff is re-evaluating poll sites citywide and the amount of poll workers in the poll sites. Staff is also revamping poll worker training.

President Umane recognized Alex Camarda, a representative of Citizens Union, who recalled that good government groups and the City Board backed Bill No. 721 concerning a municipal poll worker program which was introduced in October 2012 by Council Member Lappin. He recommended the Board to advocate for the bill again with the new mayoral administration coming into office in 2014.

President Umane recognized A.B. Britton, a member of the public, who stated that there are competent Republicans in the 40th to 59th Districts in Brooklyn to work as poll workers.

Mr. Ryan reported on the Board's Testimony before the Assembly Standing Committee on Election Law and Assembly Subcommittee on Election Day Operations and Voter Disenfranchisement which was held on December 9, 2013. A copy of the Board's Testimony is in the agenda. The specific question was the movement of the Primary Election date. The Board did not take a position on the date, but stated that a 70 – 80 day timeframe is needed in between elections. He reported that Westchester and Nassau County boards of elections had some questions for the Board. Mr. Ryan recalled that a document was circulated stating that the Board interfered with the voting process on Election Day; poll workers could see voters' ballots when being scanned. Mr. Ryan noted that the letter concerning this issue was not accurate. The Board had no contorted efforts to diminish the rights of voters. The privacy of ballots is respected by the Board. Westchester and Nassau County boards of elections reported that they had the same issue in their jurisdictions. Mr. Ryan stated that Board staff is discussing this issue internally to develop a solution such as

a buffer zone between the voter and the poll worker by the Scanners. President Umane stated that this is an important issue which will be looked into further. He noted that the Board's Privacy Sleeve should be sufficient privacy when scanning a ballot.

Mr. Ward presented the Comparative Expenditures Report dated December 10, 2013. A copy of the report is in the agenda.

President Umane recognized Alan Flacks, a member of the public, who recalled that last week a member of the public discussed unqualified candidates on the ballot. He stated that there is a parallel because the Board has their own Rules to determine valid and invalid petitions.

President Umane moved to convene an Executive Session for purposes of personnel. The motion was seconded, which was unanimously adopted.

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

I. The Commissioners voted to allocate a total of 272 temporary employees for the 5 Borough Offices, 50 temporary employees for the General Office, plus, 3 foreign languages temporary employees that are required for the Phone Bank, with a hire date effective on December 16, 2013. All current temporary employees will be terminated on December 13, 2013;

President Umane recognized Alan Flacks, a member of the public, who inquired about the replacement of the two (2) Chinese Translators who no longer work at the Board.

Commissioner Araujo 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, December 17, 2013 at 1:30 P.M.