

MEETING OF THE BOARD OF CANVASSERS AND
MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, SEPTEMBER 29, 2015
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Michael Michel
 Secretary Bianka Perez

Commissioners Jose Araujo, Ronald Castorina, John Flateau, Maria R. Guastella, Alan Schulkin, Michael Rendino, Simon Shamoun, Frederic M. Umane

Michael J. Ryan, Executive Director
Pamela Perkins, Administrative Manager
Georgea Kontzamanis, Operations Manager
Valerie Vazquez, Director, Communications & Public Affairs
Raphael Savino, Deputy General Counsel
Nina M. Crispino, Director, Personnel
Troy Johnson, Coordinator, Candidate Records Unit
Thomas Sattie, Coordinator, Ballots
Anthony Andriulli, Deputy Chief Clerk, Staten Island Office
Lisa Sattie, Administrative Associate, Staten Island Office
Diane Rudiano, Chief Clerk, Brooklyn Office
Daniel Ortiz, Acting Deputy Chief Clerk, Brooklyn Office
Gregory Lehman, Chief Clerk, Manhattan Office
William Anthony Allen, Deputy Chief Clerk, Manhattan Office
Alvin Samuels, Administrative Associate, Manhattan Office
Bart Haggerty, Deputy Chief Clerk, Queens Office
Robert Pataky, Administrative Associate, Queens Office
Marricka Scott-McFadden, Deputy Chief Clerk, Bronx Office
Rocco Cirotti, Administrative Associate, Bronx Office
Kenneth Moltner, Counsel to the Commissioners

GUEST: Cathy Gray
 Kate Doran, LWV NYC
 Katharine Loving, NYC CFB

President Michel called the meeting to order at 1:36 P.M.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, President Michel convened the Meeting of the Board of Canvassers in the City of New York for the purposes of certifying the canvass of votes cast on September 10, 2015 in the Primary Elections held for Public Offices and Party Positions within the City of New York.

To serve as the other Republican Member of the Canvassing Board, President Michel designated the Republican Commissioner for the respective counties and Commissioner Shamoun to serve with him for Queens County.

Secretary Perez designated the Democratic Commissioner for the respective counties and Commissioner Guastella to serve with her for Bronx County.

The Deputy Chief Clerks of the Bronx and their staff have prepared and signed the Returns of Canvass for the September 10, 2015 Primary

Election for Party Positions conducted in Bronx County. Ms. Scott-McFadden and Mr. Cirotti, on behalf of Mr. Ribustello, presented the statements to the Canvassing Board for review and approval. Ms. Scott-McFadden and Mr. Cirotti confirmed that the results presented are accurate and correct. There are no discrepancies to report to the Board, and the audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the New York State Election Law has been successfully completed for these contests. Based on that report, Commissioner Rendino moved that the Board of Canvassers certify the Returns of Canvass submitted for the September 10, 2015 Primary Election for Party Positions conducted in Bronx County. Secretary Perez seconded the motion, which was unanimously adopted.

The Chief Clerk and Acting Deputy Chief Clerk of Brooklyn and their staff have prepared and signed the Returns of Canvass for the September 10, 2015 Primary Election for Public Office and Party Positions conducted in Kings County. Ms. Rudiano and Mr. Ortiz presented the statements to the Canvassing Board for review and approval. Ms. Rudiano and Mr. Ortiz confirmed that the results presented are accurate and correct. There are no discrepancies to report to the Board, and the audit of voter verifiable audit records for both the poll site and central count scanners

required by Section 9-211 of the New York State Election Law has been successfully completed for these contests. Based on that report, Commissioner Shamoun moved that the Board of Canvassers certify the Returns of Canvass submitted for the September 10, 2015 Primary Election for Public Office and Party Positions conducted in Kings County. Commissioner Flateau seconded the motion, which was unanimously adopted.

The Chief Clerk and Deputy Chief Clerk of Queens and their staff have prepared and signed the Returns of Canvass for the September 10, 2015 Primary Election for Public Office conducted in Queens County. Mr. Haggerty and Mr. Pataky, on behalf of Ms. Conacchio, presented the statements to the Canvassing Board for review and approval. Mr. Haggerty and Mr. Pataky confirmed that the results presented are accurate and correct. There are no discrepancies to report to the Board, and the audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the New York State Election Law has been successfully completed for these contests. Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Returns of Canvass submitted for the September 10, 2015 Primary Election for Public Office conducted in

Queens County. President Michel seconded the motion, which was unanimously adopted.

The Chief Clerk and Deputy Chief Clerk of Staten Island and their staff have prepared and signed the Returns of Canvass for the September 10, 2015 Primary Election for Public Office conducted in Richmond County. Mr. Andriulli and Ms. Sattie, on behalf of Ms. DelGiorno, presented the statements to the Canvassing Board for review and approval. Mr. Andriulli and Ms. Sattie confirmed that the results presented are accurate and correct. There are no discrepancies to report to the Board, and the audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the New York State Election Law has been successfully completed for these contests. Based on that report, Commissioner Castorina moved that the Board of Canvassers certify the Returns of Canvass submitted for the September 10, 2015 Primary Election for Public Office conducted in Richmond County. Commissioner Guastella seconded the motion, which was unanimously adopted.

The Chief Clerk and the designated Democrat and their staff have prepared and signed the Returns of Canvass for the

September 10, 2015 Primary Election for Public Office and Party Positions conducted in New York County. Mr. Lehman and Mr. Samuels, the designated Democrat, presented the statements to the Canvassing Board for review and approval. Mr. Lehman and Mr. Samuels confirmed that the results presented are accurate and correct. There were two (2) discrepancies that were corrected, and the Discrepancy Report is attached to the Returns of Canvass. The audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the New York State Election Law has been successfully completed for these contests. Mr. Ryan noted that all certification reports were signed by Alvin Samuels for the entire borough. Based on that report, Commissioner Umane moved that the Board of Canvassers certify the Returns of Canvass submitted for the September 10, 2015 Primary Election for Public Office and Party Positions conducted in New York County. Commissioner Schulkin seconded the motion, which was unanimously adopted.

Commissioner Umane reported that the Manhattan Chief Clerk and Deputy Chief Clerk would like to take the opportunity to address a matter in the Meeting of the Board of Canvassers concerning the November 4, 2014 General Election. Mr. Lehman and Mr. Allen presented a memorandum to the Commissioners concerning recertification of the Statements and

Returns of Canvass for the November 4, 2014 General Election. Following certification of the canvass for the 2014 General Election, in response to a request from a member of the public, the Manhattan Office staff determined that all write-in votes properly cast in that election were not included in the certified election results. The Manhattan Office staff undertook a comprehensive review and re-canvass of all write-in votes cast in that election. The corrected Statements and Returns of Canvass presented do not change the outcome of any contest. These corrected results accurately reflect all votes cast within New York County in the November 2014 General Election including all valid write-in votes. Based on the report provided by the Chief Clerk and Deputy Chief Clerk of Manhattan, their staff have prepared and signed Amended Statements and Returns of Canvass for the General Election conducted in New York County on November 4, 2014 for the affected public offices. Mr. Lehman and Mr. Allen presented them to the Canvassing Board for review and approval. Mr. Lehman and Mr. Allen confirmed that the results presented are accurate and correct and all provisions of the NYS Election Law and this Board's adopted Policies and Procedures were complied with. There are no discrepancies. Based on that report, Commissioner Umame moved that the Board of Canvassers certify the Amended Statements and Returns of Canvass for the General Election conducted in New York County on

November 4, 2014 for the public offices set forth therein. Commissioner Flateau seconded the motion, with Secretary Perez opposing and Commissioner Schulkin recusing himself because he was not the Commissioner during the 2014 General Election. The motion was adopted.

Mr. Savino called the list of offices that were voted upon at the November General Election in New York County and all or part of more than one other County within the City of New York that are affected by the Amended Certification. Mr. Johnson submitted the Amended Recapitulation Statements and Returns of Canvass for the General Election conducted on November 4, 2014 for those offices that were called by Mr. Savino. Mr. Johnson confirmed that the Amended Recapitulation Statements and Returns of Canvass for the General Election accurately and correctly reflect the Amended Statements and Returns of Canvass for each contest as certified and amended by the Canvassing Board. Based on that report, Commissioner Umane moved to approve and adopt the Amended Recapitulation Statements and Returns of Canvass for the General Election conducted on November 4, 2014 for those offices listed in Mr. Savino's report. President Michel seconded the motion, which was unanimously adopted.

President Michel moved to authorize the use of the Commissioners' signature stamps as appropriate on each Statement and Return of Canvass. The motion was seconded and unanimously adopted.

Commissioner Castorina moved to adjourn the Meeting of the Board of Canvassers and to convene the regular stated meeting of the Commissioners of Elections in the City of New York. Commissioner Umame seconded the motion, which was unanimously adopted.

Commissioner Araujo moved to adopt the minutes for the September 22, 2015 meeting. Commissioner Fleteau seconded the motion, which was unanimously adopted.

Mr. Ryan requested for the Board to be closed on Friday, November 27, 2015, the day after Thanksgiving, in lieu of Election Day, pursuant to the contract with CWA Local 1183, as per past practice. President Michel moved to approve Mr. Ryan's request as per past practice. Commissioner Umame seconded the motion, which was unanimously adopted.

Mr. Sattie provided sample ballot layouts for the November 3, 2015 General Election for the five (5) boroughs based on the Commissioners' recommendations at the prior meeting. President Michel reported that each borough Commissioners' Committee has reviewed their ballot options and will recommend their borough's layout. It was noted that there will be bolded lines between each contest on the ballot citywide. Commissioner Araujo confirmed that it is consistent with the law. Mr. Savino reported that the law does not specifically permit it or specifically state that you cannot do it. The information for each borough's ballot layout follows:

- **Staten Island** – Commissioners Castorina and Guastella conferred and recommended for a landscape view ballot which allows for a legible large font and would be a great way to serve the public. It would be the first time using a landscape view ballot due to the amount of available space; there are only two (2) races in Staten Island. Commissioner Castorina moved to accept and adopt a landscape view style ballot for the November 3, 2015 General Election, (Style #0005). Commissioner Guastella seconded the motion, which was unanimously adopted;
- **Brooklyn** – Commissioners Shamoun and Flateau conferred and recommended for a ballot layout without the shading (Style #003) and a larger font size for the “Write-in candidate” and “Vote for #”

instructions. In addition, the last line on the bottom of the ballot to be bolded, and to be of equal width, to close it out. Mr. Sattie reported that those requests can be done. Commissioner Shamoun moved to adopt the ballot layout with the amendments. Commissioner Flateau seconded the motion, which was unanimously adopted;

- **Bronx** – Secretary Perez and Commissioner Rendino conferred and recommended for a traditional style eight (8) column ballot layout with bold lines between each contests to delineate the contests to help lessen over votes. Commissioner Rendino recommended for a larger font size for the “Write-in candidate” and “Vote for #” instructions, the same as the Brooklyn ballot. Secretary Perez moved to adopt an eight (8) column ballot layout, including Commissioner Rendino’s proposal. Commissioner Rendino seconded the motion, which was unanimously adopted. Mr. Sattie reported that the ballot’s font would be an eight (8) point size;
- **Manhattan** – Commissioners Schulkin and Umane conferred and recommended to adopt a traditional eight (8) column ballot layout, including the same instructions as the Brooklyn ballot layout. Commissioner Schulkin moved to adopt Manhattan’s ballot layout

as discussed. Commissioner Umane seconded the motion, which was unanimously adopted;

- **Queens** – It was reported that Mr. Naudus is currently re-designing the sample ballot and the Queens Commissioners Committee will meet and determine the layout when the sample is complete.

Commissioner Umane reported that there was litigation concerning the Women's Equality Party (WEP) and there is some ambiguity with the certifications. He inquired if the Board should wait to print those ballots until there is a final determination on the litigation. There are a couple of races in Brooklyn for the WEP and Commissioner Umane recommended tabling the inclusion of those candidates pending a resolution of the litigation. Mr. Sattie reported that the deadline to mail military and absentee ballots is on Friday, October 2, 2015, 32 days prior to the election, and currently the WEP candidates are on the ballot. He reported that there is still time to decide on the poll site ballots at the next meeting. Mr. Sattie confirmed that it is easier to leave the candidates on the ballot, rather than removing them and adding them again, if necessary. Commissioner Flateau moved for the Brooklyn ballot to remain as presented and designed, and if there are any further updates on this

litigation it will be addressed. The military and absentee ballots will be mailed on Friday with the candidates. The motion was seconded and unanimously adopted.

Commissioner Castorina reported that Staten Island candidate Joan Illuzzi filed an affidavit to normalize and remove ‘– Orbon’ from her name in any designated Party columns she may appear in. Commissioner Castorina moved to normalize and remove ‘– Orbon’ from her name in any designated Party columns she may appear in every column in the race. Commissioner Guastella seconded the motion, which was unanimously adopted.

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

The next stated meeting of the Commissioners will be held on Tuesday, October 6, 2015 at 1:30 P.M.