

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, OCTOBER 6, 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, Alan Schulkin, Michael Rendino, Simon Shamoun, Frederic M. Umame

Michael J. Ryan, Executive Director
Pamela Perkins, Administrative Manager
Georgea Kontzamanis, Operations Manager
Raphael Savino, Deputy General Counsel
Nina M. Crispino, Director, Personnel
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Cathy Gray
 Kate Doran, LWV NYC
 Katharine Loving, NYC CFB
 Michael Benjamin
 Alan Flacks, Member of NY County Democratic Committee

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

Commissioner Araujo moved to adopt the minutes for the September 29, 2015 meeting. Commissioner Flateau seconded the motion, which was unanimously adopted.

Commissioners Araujo, Perez, Schulkin and Shamoun requested to discuss personnel matters in Executive Session.

President Michel noted that Mr. Ryan joined the meeting.

Mr. Ryan reported that he testified at the New York City Council Committee on Governmental Operations Hearing on Thursday, October 1, 2015. It was a very well attended Hearing and various items were discussed on the agenda which were previously addressed at prior Commissioners' Meetings. Mr. Ryan reiterated to the Committee that the Board does not want to be a policing agency for other governmental entities with respect to tracking their voter registration forms. He also voiced clearly the Board's concerns about voter privacy and the proposed particular agency tracking codes on voter registration forms.

Mr. Ryan presented the draft Notice to all Candidates letter to the Commissioners. Copies were distributed to the Commissioners. The letter was prepared by the Candidate Records Unit and was proofed by the Board's Proofing Team. There were some grammatical changes. Mr. Ryan requested approval of the draft letter for public distribution. Commissioner Castorina moved to approve the Notice to all Candidates

letter as presented for public distribution. Commissioner Araujo seconded the motion, which was unanimously adopted.

President Michel moved to convene Executive Session for purposes of personnel and litigation. Commissioner Rendino seconded the motion, which was unanimously adopted.

Commissioner Flateau joined the meeting.

Following Executive Session, the public meeting resumed and Mr. Ryan reported on the following actions taken in Executive Session:

- I. There was discussion concerning the Kings County Republican Party Committee reorganization. There have been conflicting organization certificates filed at the Board, pursuant to Section 2-112 of the New York State Election Law. This matter is reminiscent of a similar situation in Queens County in the past. As a ministerial agency, the Board is required to accept all such filing, but the Board does not have the authority to determine which organizational slate and respective chairperson should be formally recognized in the absence of a court order or guidance from a New York State Republican

Party. The Board will not take official action with respect to either committee until the dispute has been resolved by the State Party or the courts. As a matter of courtesy, the Board sends out notices with respect to Party representative positions for each election cycle. Under the circumstances, no notice will be sent to either slate in the Kings County Republican Party. With respect to the balance of the matter, the Board will await for action. As required by law, an action must be filed in 10 days which is Friday, October 8, 2015. In the interim, if Executive Management becomes aware of any action before the next meeting, Executive Management will immediately advise the Executive Committee. The Executive Committee will make a determination as to whether or not it requires immediate action, or can wait until the next scheduled Commissioners' Meeting. Commissioner Shamoun recused himself from all activity associated with the vote on this matter. The action was unanimously adopted with the remaining Commissioners;

- II. Robert Taylor, Assistant Finance Officer, was transferred from the General Office to the Queens Office until further notice;

- III. Awilda Laboriel, an Administrative Assistant in the Bronx Office, was granted an advance of 420 hours of discretionary time, retroactive to the date of her medical leave;
- IV. Anthony Ribustello, Deputy Chief Clerk of the Bronx Office, was granted an advance of 140 hours of medical leave to be used as needed, and to be paid back upon his return to work;
- V. Tirsia Fernandez, a Clerk in the Manhattan Office, was granted an advance of 140 hours, effective immediately, and is to be paid back upon her return.

Mr. Ryan reported that a motion is required with respect to a matter that has arisen in the Bronx. On Monday, Certificates of Candidacy were filed with respect to a Bronx Republican and Conservative candidate for District Attorney. This candidate previously appeared on the Civil Court line and will now be removed from the Civil Court line and added to the District Attorney line for Republican and Conservative Parties. The Civil Court line will remain blank. Commissioner Rendino moved to include all candidates on a new ballot for the absentees that have not been mailed out yet. Commissioner Flateau seconded the motion, which was unanimously adopted. It was reported that approximately 500 absentee ballots and 100 military ballots have already been mailed. Commissioner Rendino moved

to reissue corrected ballots with all candidates, as a second ballot to these voters, and to include a letter explaining the situation. Secretary Perez seconded the motion, which was unanimously adopted. Mr. Ryan noted that pursuant to Section 9-209 of the New York State Election Law, if a voter returns two (2) ballot envelopes, the ballot envelope bearing the later time stamped date is accepted.

President Michel moved to adjourn the meeting. Commissioner Flateau seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, October 13, 2015 at 1:30 P.M.