

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, DECEMBER 8, 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, Simon Shamoun, Frederic M. Umame

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Georgea Kontzamanis, Operations Manager
Raphael Savino, Deputy General Counsel
Valerie Vazquez, Director, Communications & Public Affairs
Nina M. Crispino, Director, Personnel
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Anna-Maria Thomas
 Rachel Fauss, Citizens Union
 Kate Doran, LWVNYC
 Cathy Gray
 E. Cuesta, Dominicanos USA
 Mark Giogowski, Libertarian Party
 Mark Potwor
 Jim Rosenbeck
 Alan Flacks, Member of NY County Democratic Committee

President Michel called the meeting to order at 1:38 P.M.

Commissioner Araujo moved to approve the minutes for the November 24, 2015 meeting. President Michel seconded the motion, which was unanimously adopted.

Mr. Richman presented the Draft Petition Rules, Calendar and General Objection Form for the April 19, 2016 Presidential Primary Election Petition Filing Cycle. Copies of the drafts were distributed. The Draft Rules and Calendar reflect the statutory changes of Chapters 87 and 88 of the Laws of 2015, amended in the NYS Election Law. Mr. Richman provided an overview of the drafts and requested for approval. Commissioner Umane requested to discuss Cover Sheet Rule C2.(b) concerning the name and complete residence address of each candidate [for these Rules, a complete residence address includes the house number, street name, apartment number (if applicable), the city, state and zip code for the address]. He recalled there was ambiguity with apartment numbers during the petition process and inquired if the Board should or should not require apartment numbers on Cover Sheets. Commissioner Flateau moved to adopt the Rules as submitted. Before a vote was taken by the full Board, there was discussion about apartment numbers. Commissioner Umane recommended that if the Rules are adopted as submitted, to have instructions simultaneously, that if there is any ambiguity

with the Board's voter records and the petition records concerning apartment numbers it should not be deemed a material fatal defect to disqualify a candidate. Commissioner Araujo seconded Commissioner Flateau's motion, with seven (7) in favor (Araujo, Castorina, Flateau, Guastella, Michel, Shamoun, Umane) and two (2) opposed (Perez, Shulkin). The motion was adopted. Commissioner Umane noted that the zip code requirement has to be addressed as well because there have been some issues in the past. Commissioner Umane moved to have instructions simultaneously to not treat apartment numbers as a material part of the address for purposes of challenging and doing the Board's own investigation of various candidates to determine their Prima Facie findings on "Incorrect Address" because of various significant possibilities of errors, or voters moving apartments within the same building and not re-registering, etc. Commissioner Shamoun seconded the motion, with two (2) in favor (Umane, Shamoun) and five (5) opposed (Araujo, Guastella, Perez, Michel, Castorina), and two (2) abstentions (Flateau, Schulkin). The motion was not adopted. It was reiterated that Hearing matters are decided on based on specific facts on a case-by-case basis. Commissioner Araujo recommended scheduling a meeting with CRU staff to review and streamline the Board's petition process procedures. Mr. Richman recommended scheduling the Hearings on Specifications of

Objections and Related Matters on Tuesday, February 23, 2016 at 1:30 P.M. before the regular stated meeting of the Commissioners. It was noted that there may be a Special Election in the Bronx on this date. Commissioner Flateau moved to approve the date of the Hearings on February 23, 2016. Secretary Perez seconded the motion, which was unanimously adopted. Commissioner Araujo requested for a clean copy of the adopted Rules and Calendar to be emailed to the Commissioners.

For informational purposes, Mr. Richman reported that he will be preparing the Draft Independent Nominating Petition Rules for 2016 Elections for the next meeting.

Mr. Ryan reported that the New York State Assembly Hearing concerning Election Day Operations is scheduled on Thursday, December 10, 2015 at 10:30am. He reported that staff has been preparing draft Testimony and the draft will be emailed to the Commissioners by close of business tomorrow. Mr. Ryan requested authorization to testify at the Hearing. Secretary Perez moved to authorize Mr. Ryan to testify. Commissioner Flateau seconded the motion, which was unanimously adopted.

Mr. Ryan reported that the New York City Council Hearing Committee on Governmental Operations is scheduled for Monday, December 14, 2015 at 1:00 P.M. Copies of Int. No. 302 and Int. No. 711 were distributed. Mr. Ryan noted that only Int. 302 pertains to the Board; a Local Law to amend the New York City Charter in relation to additional reporting by the Board of Elections to the Council regarding performance. He recalled that the Board is pre-empted to report to the NYC Council by State Law because the Board is a non-mayoral agency, and by law, the Board issues Annual Reports with all pertinent information. Mr. Ryan recalled that the Board has testified about the same matter in the past concerning the Mayor's Management Report (MMR). He requested approval to prepare draft Testimony and to testify at the Hearing. Commissioner Umame moved to authorize Mr. Ryan to prepare Testimony for the New York City Council Hearing Committee on Governmental Operations scheduled on December 14, 2015. Commissioner Guastella seconded the motion, which was unanimously adopted.

Mr. Ryan presented the revised Records Access Policy. Copies of the revised Policy were distributed. It was noted that the FOIL Officer has been changed from the Director of Personnel to the Deputy General Counsel which has been reflected in the Policy. Commissioner Umame

moved to adopt the Board's revised Records Access Policy. Commissioner Araujo seconded the motion, which was unanimously adopted.

President Michel announced that Commissioner Castorina has submitted his resignation, effective Friday, December 11, 2015. Commissioner Castorina noted that it was a pleasure serving the Board and looks forward to a future of public service.

Secretary Perez recognized Mark Giogowski, a member of the Libertarian Party, who raised concerns about Libertarian voters being recorded as "Other" in the voter enrollment roll system, and submitted a list of voters to be checked by the Board. Secretary Perez directed Board staff to check these records on the public computer terminal with Mr. Giogowski.

President Michel moved to convene Executive Session for purposes of personnel and litigation. The motion was seconded and unanimously adopted.

Following Executive Session, the public meeting resumed.

Commissioner Flateau reported that he was not present when the Commissioners approved the minutes for the November 24, 2015 meeting, but he approves them as well.

Mr. Ryan reported the following actions taken in Executive Session:

- I. Dawn Davis was appointed Technical Writer in the General Office with an annual salary of \$69,429, effective upon her availability;
- II. Stephen Thompson, HAVA Training Specialist in the General Office, was appointed as Project Manager of the new Tablet Unit in the General Office, with an annual salary of \$105,000, effective Sunday, December 13, 2015.

Commissioner Castorina moved to adjourn the meeting. The motion was seconded and unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, December 15, 2015 at 1:30 P.M.