

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MAY 17, 2016
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: Secretary Frederic M. Umame

Commissioners Jose Araujo, John Flateau, Maria R. Guastella, Michael Michel, Michael A. Rendino, Alan Schulkin, Simon Shamoun

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Georgea Kontzamanis, Operations Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Valerie Vazquez-Diaz, Director, Communications & Public Affairs
Nina M. Crispino, Director, Personnel
John Naudus, Manager, Electronic Voting Systems
Steven Thompson, Computer Systems Manager, Tablet Unit
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Sean O. Ismaili
Kate Doran, LWVNYC
Anna-Maria Thomas
Andy Okeneff
Katharine Loving, CFB
Catherine Gray
Amanda Melilo, CFB
Brigid Bergin, WNYC
Brian Douglas
Lisa R.
Henry Frank
A.B. Britton, KLC GOP USA
Louis Armistean
Alan Flacks

Secretary Umame called the meeting to order at 1:44 P.M. in the absence of President Perez.

Based on the recommendation of those Commissioners who were present at the May 4, 2016 meeting, the minutes were unanimously approved.

Based on the recommendation of those Commissioners who were present at the May 5, 2016 meeting, the minutes were unanimously approved.

Based on the recommendation of those Commissioners who were present at the May 6, 2016 meeting, the minutes were unanimously approved.

Secretary Umame moved to adopt the minutes of the May 10, 2016 meeting. The motion was seconded, with Commissioner Araujo abstaining. The motion was adopted.

Ms. Vazquez provided an update on public education, voter registration, and poll worker recruitment initiatives. Through social media,

educational messages are being pushed out encouraging people to visit the Board's website. The Board will place poll worker recruitment ads, via purchased Facebook and Google ads, with the idea of increasing the Board's poll worker pool. The Board will be able to track the metrics when people click on the ads to be used as a gauge on the outreach campaign. The vendor is currently designing the email campaigns which will be presented to the full Board for approval. The Voter Information website page is currently being redesigned and aimed for a June 2016 release which will be presented to the full Board for review. The Board has entered into an agreement with Outfront Media, working off a contract agreement with the NYC Department of Health, which consists of a multilingual campaign in five (5) languages on 4,000 subway interior car cards and 3,000 bus interior car cards inviting the public to sign up to be an Election Day worker. The legally required Voter Information Notice is currently being redesigned by Vanguard. It will contain a pull-off, wallet sized, Voter Card containing the voter's specific poll site information, ED/AD, as well as Congressional, State Senatorial, Civil Court, and Council Districts, www.electiondayworker.com, the Board's main number, the specific election year enlarged, and the voter's VSN # barcode. A sample of the new Voter Card was distributed for review. Commissioner Schulkin inquired why the VSN # barcode is printed on the card. It was explained

that the barcode is an aid to process voters in the poll site in the future. The VSN # could be scanned by a poll worker using the Tablet to look up the voter's information to keep the line moving at the poll site's ED/AD Sign-In Table. If the voter is in the wrong poll site, the poll worker can direct them to their correct poll site and ED/AD. The VSN # barcode has the latest information on the voter contained in the Board's AVID system which includes their Name, Address, Party, Poll Site, ED/AD, and Voter History. Currently, the barcode is on the card as a design placeholder. Mr. Ryan recalled that in the past, there were numerous voter complaints about their Party affiliation printed on the outside of the Voter Information Notice, and the VSN # barcode will conceal Party information. The Commissioners noted that they did not approve the entire public education, voter registration, and poll worker recruitment initiatives yet, and requested to be presented with all materials before moving forward. Secretary Umame raised concerns that there may be too much content on the Voter Card which may be confusing for voters, and recommended only the basic information to be provided such as the poll site and ED/AD. Mr. Denkberg recommended enlarging and bolding the voter's ED/AD to make it more pronounced on the card, and Commissioner Shamoun recommended for the ED/AD to be colored red. Commissioner Araujo moved to approve the newly formatted Voter Card, bolding and highlighting

the voter's ED/AD as discussed. Commissioner Guastella seconded the motion, which was unanimously adopted. Per the Commissioners, Ms. Vazquez was directed not to proceed with the other public outreach and poll worker outreach plans until they are approved by the Commissioners. The Commissioners will review the content of the plans and discuss them at a future meeting. With respect to the development of Email and Text Messaging Opt-In Campaigns for voters, Commissioner Michel raised concerns about their email addresses and cell phone numbers potentially being made public because it is part of the public records, and recommended informing voters before they give their contact information. Commissioner Flateau raised concerns that commercial companies can purchase voters' information and resell it nationwide. Mr. Ryan noted that the email address and telephone number fields are optional on the voter registration form. Mr. Ryan noted that the New York State Election Law is not with the current times and only fax numbers are excluded from FOIL requests. There was consent among the Commissioners for Ms. Vazquez to proceed with poll worker recruitment, and to hold off on the Email and Text Messaging Opt-In Campaigns for voters because it needs more discussion before proceeding. With respect to sending out fifteen (15) email campaigns between May 2016 and November 2016, Secretary Umane noted that he is not in favor of the

Board participating in the “Get Out the Vote Drive.” Commissioner Shamoun noted that informing poll workers to show up to work is very important due to the 20% drop off rate on Election Day, and recommended for a mechanism where the poll workers’ information is as up to date as possible for Board notifications. Secretary Umane moved to proceed with the poll worker recruitment plan. Commissioner Flateau seconded the motion, which was unanimously adopted.

Commissioner Guastella requested to add a Staten Island personnel matter to the agenda.

Mr. Ryan reported on the Reform Party OTB “Write-In Only” options for the 2016 Primary in the 6th, 8th, 9th and 16th Congressional Districts, (6th C.D. in Queens, 8th C.D. in Brooklyn/Queens, 9th C.D. in Brooklyn, and 16th C.D. in the Bronx). There was discussion at the May 10, 2016 meeting and the Commissioners directed Board staff to review the options available to the Board as the best course of action to conduct these Primaries that do not have a Primary Election for any of the seven (7) other political parties with ballot status, and provide the opportunity for any eligible voter to cast a ballot including those who receive a court order or move into the Congressional District and seek to vote by affidavit ballot in the poll site for

their new residence. All savings are based on the reduction in costs of staffing and equipment by deviating from the current practice. Copies of the memorandum were distributed. Commissioner Araujo requested for reports to be submitted in advance of the Commissioners' Meeting for more time to review. The following three (3) options' pros and cons were discussed:

- Option #1 – Open all poll sites with minimum staffing and equipment in the Congressional District. The Board would assign only the minimum staff mandated under the statute to lawfully conduct the election;
- Option #2 – Merging poll sites, approximately 25% to remain open per Assembly District (A.D.). The Board would reduce the number of poll sites by combining several Election Districts (E.D.'s) from different poll sites into several strategically located sites within each A.D.;
- Option #3 – Merging poll sites to have at least one poll site in each A.D. Historically, the Board has only combined E.D.'s within a poll site and has never exercised its ability to combine E.D.'s across poll sites. Under this option, the Board would reduce the number of poll sites by combining several E.D.'s from different poll sites into one or two strategically located

sites within each A.D. Any poll site with an eligible Reform Party voter will be the selected poll site(s) in that District.

It was noted that there are only 17 voters in the four (4) Reform Party Congressional Districts. If there are no modifications to the deployment of staff and equipment, the cost would be a total of \$800,000, which is \$47,000 per voter. It was noted that these voters may not show up to vote. The last day to register for this Primary is June 3, 2016. The Commissioners discussed alternative cost saving ideas such as creating one (1) central poll site in the respective Borough Offices, one (1) Super Poll Site, hand-delivering ballots to these voters, or absentee ballot voting. Mr. Richman reported that there are very narrow parameters in conducting these specific OTB Primaries due to the New York State Election Law. Sections 4-104 (4) and 4-104 (9) of the New York State Election Law were discussed. Mr. Ryan noted that after Board staff researched this matter, the Board is left with three (3) options that are not good options considering the number of total registered voters. Commissioner Guastella suggested for the Board to consider an Order to Show Cause for a declaratory judgment concerning the interpretation of the Election Law on this matter. There was a consensus among the Commissioners for Board staff to reach out to the Reform Party leadership to discuss this matter, and to consult

with the New York City Corporation Counsel, and the State Board's counsel on this matter.

Mr. Ryan reported on the May 13, 2016 New York City Council Executive Budget Hearing on Fiscal Year 2016 - 2017. The Board will be fully funded for its needs for Fiscal Year 2016-2017, and there was conversation about Election Day issues. Some City Council Members had specific questions which will be looked into further by staff and Mr. Ryan will respond back to them. Mr. Ryan explained to the City Council that the Board is looking into every aspect of the voter registration process internally and externally to other agencies to ensure the system is functioning properly.

Commissioner Flateau requested for a status update on the Brooklyn voter cancellation restoration process. Mr. Ryan reported that the restoration process is ongoing and for those individuals whose affidavit ballots were valid, staff is in the process of updating their Voter History and restoring them back into "Active" status in the system. For those individuals whose affidavit ballots were invalidated, staff is reviewing all of the voter's information provided to ensure it is accurate, and is comparing it to the prior records to see if they were in the system. This list will be

reviewed in a timely matter in advance of the June 28, 2016 Federal Office Primary Election. Commissioner Schulkin inquired what steps the Board will take to prevent this from happening again. Mr. Ryan reported that respective staff members have been working closely with the State Board to discuss and resolve the transmission issues to ensure both systems are maintained as accurately and as timely as possible. There was a conference call last week with the State Board and it was found the State Board's website "Voter Registration Look Up" feature and City Board's website "Voter Registration Look Up" feature have delays in transmission. Mr. Ryan reported that MIS staff is currently researching system options and is considering a separate "Voter Registration Look Up" feature for NYC to eliminate any transmission issues with the State Board's website. A link could be posted on the State Board's website to direct NYC voters to the City Board's website. Info 66 Intent to Cancel (ITC) which has the manual process of flagging is problematic and will be modified for the future. It was noted that there will be no list maintenance work until February 2017, after the Presidential General Election's Voter History has been completed. The only updates in the system that will occur will be concerning duplicates, convicted felons, court ordered mentally incompetent, National Change of Address (NCOA), the deceased, and voters who request to be removed from the voter rolls.

Secretary Umame requested to report on the Finance Committee's unanimous recommendations to the full Board for approval. The potential contract names, amounts, and information follow:

- Optical Group Communications – \$650,000 total. The purpose is to build and maintain a high speed fiber network within the seven (7) Board facilities for emails, video conference communications, and to facilitate the transfer of large capacity of data for Election Night Reporting. There will be cost savings to the agency. The current T1 lines will be discontinued because the new lines are half the price and 10x the capacity. The concept and initial phase was already approved by the full Board of Commissioners. The price was obtained through a Competitive Sealed Bid process. \$132,000 for installation, \$418,400 for three (3) years of service, approximately \$139,000 per year. The full Board unanimously adopted the Finance Committee's recommendation.
- Derive Technologies – \$297,195 total. The contract is for the maintenance of the Board's telephones and other technical systems for three (3) years. It is a City certified minority/women business enterprise with an OGS contract. This provider was used previously with satisfactory results. The contract would be

commence next month, if approved. The full Board unanimously adopted the Finance Committee's recommendation.

- CDW-G Purchase – \$1,400,000 total. The contract is for new equipment such as a server in the Tablet Unit in the 42 Broadway Basement, 600 additional tablets, tablet charging carts, new server in the MIS Department at 42 Broadway, 7th Floor, 400 new computers for the replacement of old equipment throughout the Borough Offices. The purchase would be under a City Requirements Contract for technology managed by DOITT. Once approved, the contract will be executed. The full Board unanimously adopted the Finance Committee's recommendation.
- Media Buy Campaign – Approximately \$490,000. The purpose is to recruit poll workers. For creative development, printing, and placement on NYC buses and trains by Outfront Media. \$450,000 for the purchasing of ad space starting on July 1st for three (3) months and \$28,780 for Vanguard printing costs. The creative development costs for design and layout will also will be done by Vanguard. The media buy will go through the contract currently used by the NYC Department of Mental

Health. The full Board unanimously adopted the Finance Committee's recommendation. It was noted that the voter outreach needs more research and will be tabled until the Commissioners have a cohesive policy.

Secretary Umame opened the floor to members of the public and allowed each member two (2) minutes to speak:

1. Alan Flacks recommended zip codes not be required on a petition cover sheets, the voter's VSN number to be included on petitions, as optional, to assist the Board's Candidate Records Unit during filing, and spoke about the knowledge of the poll workers on Primary Day;
2. Katharine Loving, a representative of the NYC Campaign Finance Board, invited the Board and public to attend the Voter's Assistance Advisory Committee Meeting on voter concerns tonight at 5:30 P.M.;
3. Brian Douglas inquired about the affidavit review process and how voters can check if their affidavit was deemed valid or invalid;
4. Brigid Bergin, a WNYC Reporter, requested for a report on the total number of valid and invalid affidavits;

5. Andy Okeneff inquired about the Brooklyn Office Chief Clerk and Deputy Chief Clerk suspensions.

Secretary Umame moved to convene Executive Session for purposes of personnel and litigation matters. The motion was seconded and unanimously adopted.

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

- I. The Commissioners unanimously granted an advance of 100 hours for Jose Polanco, an Administrative Assistant in the General Office, to be used as needed for sick leave;
- II. The Commissioners unanimously appointed William Cardona, a Senior Computer Programmer in the General Office, to the Associate Staff Analyst title which was recently vacated by Vincent Parascandolo, at the incumbent salary.

The next stated meeting of the Commissioners will be held on Tuesday, May 24, 2016 at 1:30 P.M.