

MEETING OF THE BOARD OF CANVASSERS AND  
MEETING OF THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, JULY 12, 2016  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

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PRESENT:       President Maria R. Guastella  
                  Secretary Frederic M. Umame

Commissioners Jose Araujo, John Flateau, Lisa Grey, Michael Michel,  
Michael Rendino, Alan Schulkin, Simon Shamoun, Rosanna Vargas

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  
Troy Johnson, Coordinator, Candidate Records Unit  
Rayvon Weaver, Project Coordinator, Candidate Records Unit  
Frank Tosi, Administrative Associate, Bronx Office  
Lissette Poll, Administrative Associate, Bronx Office  
Salvatore Barrera, Acting Chief Clerk, Brooklyn Office  
Daniel Ortiz, Acting Deputy Chief Clerk, Brooklyn Office  
Barbara Conacchio, Chief Clerk, Queens Office  
Bart Haggerty, Deputy Chief Clerk, Queens Office  
Gregory Lehman, Chief Clerk, Manhattan Office  
William Anthony Allen, Deputy Chief Clerk, Manhattan Office  
Kenneth Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST:       Monica Bartley, CIDNY  
                  Amanda Melillo, CFB  
                  Matt Sollars, CFB  
                  Catherine Gray

President Guastella 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, specifically Section 9-204, President Guastella called the meeting of the Board of Canvassers in the City of New York to order for the purposes of certifying the recanvass of votes cast on June 28, 2016 in the Democratic and Reform Parties Federal Office Primary Elections in the City of New York.

To serve as the other Democratic Member of the Canvassing Board, President Guastella designated the Democratic Commissioner for the respective counties and Commissioner Araujo to serve with her for the multi-county recaps. Secretary Umame designated the Republican Commissioner for the respective counties and Commissioner Michel to serve with him for New York County and the multi-county recaps.

President Guastella recalled the special procedures the Board had adopted with respect to the Reform Party Opportunity to Ballot Primaries held on June 28, 2016. The Board, in accordance with the New York State

Constitution's mandate that "*secrecy in voting be preserved*", as set forth in Article 2, Section 7 of the New York State Constitution, and consistent with the written guidance provided by the Co-Executive Directors of the New York State Board of Elections in their letter dated May 27, 2016, determined that in order to prevent impermissible intrusions into the voter's right to cast a secret ballot, ballots cast in the Reform Party Opportunity to Ballot or Write-in Primary for Member of Congress in the 6<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and 16<sup>th</sup> Congressional Districts on Tuesday, June 28, 2016:

- (1) Were not to be scanned or canvassed at the poll site on Election Day. Therefore, no preliminary and unofficial results were reported on the Board's web site; and
- (2) Those ballots were hand canvassed at the designated Board Borough facilities in order to enable the Board to aggregate the small number of ballots cast, canvass those ballots and report the results by Congressional District, or the portion of a Congressional District within each county in the City of New York.

Mr. Tosi and Ms. Poll appeared on behalf of the Deputy Chief Clerks of the Bronx Office. The Deputy Chief Clerks have prepared and signed the Return of Canvass for the Democratic and Reform Party Federal Office Primary Elections conducted in Bronx County on June 28, 2016. Mr. Tosi

and Ms. Poll presented the Return of Canvass to the Canvassing Board for review and approval. Mr. Tosi and Ms. Poll confirmed that the results presented are accurate and correct, there are no discrepancies, 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 have been successfully completed. Based on that report, Commissioner Rendino moved that the Board of Canvassers certify the Return of Canvass for the Democratic and Reform Party Federal Office Primary Elections conducted in Bronx County on June 28, 2016. Commissioner Vargas seconded the motion, which was unanimously adopted.

Mr. Barrera, Acting Chief Clerk, and Mr. Ortiz, Acting Deputy Chief Clerk, of the Brooklyn Office have prepared and signed the Return of Canvass for the Democratic and Reform Party Federal Office Primary conducted in Kings County on June 28, 2016. Mr. Barrera and Mr. Ortiz presented the Return of Canvass to the Canvassing Board for review and approval. Mr. Barrera and Mr. Ortiz confirmed that the results presented are accurate and correct, there are no discrepancies, 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 have been successfully completed. Based on that report, Commissioner Shamoun

moved that the Board of Canvassers certify the Return of Canvass for the Democratic and Reform Party Federal Office Primary Elections conducted in Kings County on June 28, 2016. Commissioner Flateau seconded the motion, with President Guastella abstaining for the 9<sup>th</sup> District. The motion was adopted.

Ms. Conacchio, Chief Clerk, and Mr. Haggerty, Deputy Chief Clerk, of the Queens Office have prepared and signed the Return of Canvass for the Democratic and Reform Party Federal Office Primary conducted in Queens County on June 28, 2016. Ms. Conacchio and Mr. Haggerty presented the Return of Canvass to the Canvassing Board for review and approval. Ms. Conacchio and Mr. Haggerty confirmed that the results presented are accurate and correct, there are no discrepancies, 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 have been successfully completed. Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Return of Canvass for the Democratic and Reform Party Federal Office Primary Elections conducted in Queens County on June 28, 2016. Commissioner Michel seconded the motion, which was unanimously adopted.

Secretary Umane moved to authorize the use of the Commissioners signature stamps as appropriate on each Statement and Return of Canvass. Commissioner Flateau seconded the motion, which was unanimously adopted.

Secretary Umane moved to recess the Meeting of the Board of Canvassers until 2:15 P.M. for New York County, and to convene the regular stated meeting of the Commissioners. The motion was seconded and unanimously adopted.

Mr. Ryan joined the meeting.

Commissioner Grey moved to adopt the minutes for the July 5, 2016 meeting. Commissioner Schulkin seconded the motion, with Commissioners Rendino and Flateau abstaining. The motion was adopted.

Mr. Richman requested for the Commissioners to designate Cover Sheet Review Committee Members for Week #1 for the September 2016 Primary Election petition filing process. The Commissioners designated the following schedule:

- Tuesday, July 12<sup>th</sup> (immediately after the Comm. Mtg.)
  - President Guastella & Secretary Umame
- Wednesday, July 13<sup>th</sup> (at 4:00 P.M.)
  - Commissioner Schulkin & Commissioner Grey
- Thursday, July 14<sup>th</sup> (at 4:00 P.M.)
  - Commissioner Schulkin & Commissioner Shamoun
- Friday, July 15<sup>th</sup> (at 4:00 P.M.)
  - Commissioner Fleteau & Republican Commissioner TBD
- Monday, July 18<sup>th</sup> (at 4:00 P.M.)
  - Commissioner Vargas & Commissioner Michel

For informational purposes, Mr. Ryan reported that there was an amendment to Section 4-117 of the New York State Election Law signed by the Governor on June 1, 2016. There was a bipartisan conference with the State Board who provided the City Board with guidance on the implementation of this section. The amendment allows the Board to mail the annual required Voter Information Notice via USPS Standard Mail instead of USPS First Class Mail. Mr. Ryan explained that First Class Mail is one price for all of the services, and Standard Mail is charged per unit, depending on the weight, for each return piece. There is no difference in the processing and delivery time between First Class Mail and Standard

Mail. Based on the volume and rate of return last year, the Board would save approximately \$520,000 of tax payer dollars on postage if the City Board switched to Standard Mail. Mr. Ryan thanked the New York State Senate, Assembly and Governor for implementing this amendment. Secretary Umame moved to approve the change of using USPS Standard Mail opposed to USPS First Class Mail. Commissioner Flateau seconded the motion, which was unanimously adopted.

Secretary Umame moved to convene an Executive Session for purposes of litigation. President Guastella seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed and President Guastella reconvened the Meeting of the Board of Canvassers for New York County.

Mr. Lehman, Chief Clerk, and Mr. Allen, Deputy Chief Clerk, of the Manhattan Office have prepared and signed the Return of Canvass for the Democratic and Reform Party Federal Office Primary conducted in New York County on June 28, 2016. Mr. Lehman and Mr. Allen presented the Return of Canvass to the Canvassing Board for review and approval.

Mr. Lehman and Mr. Allen confirmed that the results presented are accurate and correct. Mr. Lehman and Mr. Allen reported that there was one discrepancy. Copies of the Discrepancy Report were submitted to the Canvassing Board and Mr. Lehman summarized the memorandum. It was noted that the discrepancy would not change the outcome of the election. Mr. Lehman and Mr. Allen confirmed that 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 have been successfully completed. Based on that report, Secretary Umane moved that the Board of Canvassers certify the Return of Canvass for the Democratic and Reform Party Federal Office Primary Elections conducted in New York County on June 28, 2016. Commissioner Schulkin seconded the motion, with Commissioners Araujo and Michel abstaining. The motion was adopted.

Secretary Umane moved to approve and adopt the Recap Statement and Return of Canvass for the Democratic and Reform Party Federal Office Primary Elections conducted on June 28, 2016 for those Congressional Districts which cross county lines within the City of New York. Commissioner Schulkin seconded the motion, which was unanimously adopted.

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

The next stated meeting of the Commissioners will be held on Tuesday, July 18, 2016 at 1:30 P.M.