

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, OCTOBER 4, 2016
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

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

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
Raphael Savino, Deputy General Counsel
Nina M. Crispino, Director, Personnel
Debra Leible, Coordinator, Election Day Operations
Thomas Sattie, Associate Staff Analyst, Ballot Management
John Naudus, Manager, Electronic Voting Systems
Kenneth Moltner, Counsel to the Commissioners

GUEST: Anna-Maria Thomas
 Amanda Melillo, CFB
 Catherine Gray
 Kate Doran, LWV NYC
 Teresa Hommel
 Katharine Loving, NYC CFB
 Susan Lerner, Common Cause NY
 Alan Flacks, Member of NY Democratic County Committee

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

Commissioner Araujo moved to adopt the minutes for the September 27, 2016 meeting. Commissioner Grey seconded the motion, with Commissioner Flateau abstaining. The motion was adopted.

Mr. Ryan presented the Draft Public Notice for the Absentee Voting Hours for the November 8, 2016 General Election. The Election Day Operations (EDO) Unit conferred with the Borough Offices' Chief Clerks and Deputy Chief Clerks to develop a schedule. Staff determined to keep the office open to the public until 7:00 PM, instead of 9:00 PM, so that staff can process the applications until 9:00 PM in a timely manner. It is the recommendation of Executive Management and the EDO Unit for the Commissioners to adopt the following schedule of extended hours for voters who seek to vote by Absentee Ballot:

- Tuesday, October 25, 2016 5:00 P.M. to 7:00 P.M.
- Wednesday, October 26, 2016 5:00 P.M. to 7:00 P.M.
- Thursday, October 27, 2016 5:00 P.M. to 7:00 P.M.
- Saturday, October 29, 2016 9:00 A.M. to 5:00 P.M.
- Sunday, October 30, 2016 10:00 A.M. to 2:00 P.M.
- Tuesday, November 1, 2016 5:00 P.M. to 7:00 P.M.
- Wednesday, November 2, 2016 5:00 P.M. to 7:00 P.M.
- Thursday, November 3, 2016 9:00 A.M. to 5:00 P.M.

- Saturday, November 5, 2016 9:00 A.M. to 5:00 P.M.
- Sunday, November 6, 2016 10:00 A.M. to 2:00 P.M.

Commissioner Schulkin moved to adopt the proposed schedule of extended hours for voters who seek to vote by Absentee Ballot. Commissioner Rendino seconded the motion, which was unanimously adopted.

Secretary Umane noted that Ms. Sandow joined the meeting.

Mr. Ryan reported on the proposed office hours for the last night to register to vote on Friday, October 14, 2016. It was noted that the next day Saturday, October 15, 2016 is Local Registration Day at designated sites citywide. Ms. Perkins reported that in the past the Borough Offices remained open until 9:00 P.M. and the General Office remained open until 12:00 A.M. A minimum number of personnel will accept the voter registrations. Secretary Umane urged the public and good government groups to submit to the Board their voter registrations as soon as possible so that they are processed in a timely manner for the voters' names to be printed in the Poll Books. Ms. Sandow noted that under Local Law 29, City and State agencies register people to vote and anonymously submit their registrations to the Board. Most agencies submit within a ten (10) day

turn around, but some agencies have held onto boxes of registrations for up to three (3) months. Secretary Umame reported that historically the Board's Borough Offices remained open until 9:00 P.M. and the General Office until 12:00 A.M. on the last day to register, and moved to adopt this schedule. Commissioner Flateau seconded the motion, which was unanimously adopted. Commissioner Araujo requested for the adopted schedule to be posted on the Board's website, and for Borough Office voicemail and on-hold messages to have a recording of this information as well. Secretary Umame requested a friendly amendment to his motion to include on the notice that a voter can change their Party enrollment as well which will be effective for the next Primary Election. The Commissioners unanimously adopted the amendment to his previous motion.

Mr. Ryan reported that the EDO Unit conferred with the Borough Office Chief Clerks and Deputy Chief Clerks concerning Coordinator and AD Monitor retraining for the November 8, 2016 General Election. Ms. Leible reported that it would be a 2-hour refresher class and Coordinators and AD Monitors would get paid \$50 each. There is funding in the budget for this refresher class. Ms. Sandow noted that they have to show up to the 2-hour refresher class to pick up their Coordinator/AD Monitor Supply Bag to work the November General

Election. It was noted that there are multiple refresher class days for the Coordinators and AD Monitors to choose from in the last two (2) weeks before the November General Election. President Guastella moved to adopt the 2-hour refresher class for Coordinators and AD Monitors at a cost of \$50 each. Commissioner Schulkin seconded the motion, which was unanimously adopted.

President Guastella recognized Alan Flacks, a member of the public, who spoke about the New York Wage and Hour Act.

President Guastella recognized Teresa Hommel, a member of the public, who spoke about the ballots' perforations and the connectivity of the Poll Site Locater on the Tablets at P.S. 41 in Manhattan, and requested to set-up her poll site earlier than 5:00 A.M. on Election Day.

President Guastella recognized Cathy Gray, a member of the public, who reported that she did not have connectivity on her tablet after 10:00 A.M. on Election Day, and raised concerns about potential maximum capacity and ADA requirements in her poll site on General Election Day.

Commissioner Shamoun noted that some public schools have bad connections and inquired if the Poll Site Locator can be accessed offline on the tablet. Mr. Ryan reported that the Tablet Unit is currently planning an offline Poll Site Locator App.

Ms. Sandow noted that the potential issue of maximum capacity and ADA requirements in the poll site on General Election Day will be discussed at the next NYPD Meeting.

Mr. Sattie distributed three (3) sample Election Day Ballot layouts for the November 8, 2016 General Election. Mr. Ryan noted that Executive Management worked with Mr. Sattie and Mr. Naudus and they were concerned about the busyness of the Manhattan ballot contests. There was a past decision by the Commissioners to authorize the use of all available real estate on the ballot. With respect to the equal protection clause, it was noted that the Board is still working under the opinion of the New York City Law Department to use the same font size in all five (5) boroughs in election events when there are full citywide contests. The three (3) sample ballot layout options follow:

- Option #1 – 9 point font size, 1-sided 19” ballot, traditional order of ballot stack in transcendence from the top to the bottom of the page;
- Option #2 – 12 point font size, 2-sided 19” ballot, traditional order of ballot stack in transcendence from the top to the bottom of the page, and when there is no real estate left on the bottom, the next contest is picked up on the other side of the ballot;
- Option #3 – 12 point font size, 2-sided 19” ballot, non-judicial contests listed together in transcendence on the front, and judicial contests listed together in transcendence on the back.

Commissioner Araujo noted that there were many discussions of the layout in the Commissioners’ Ballot Committee Meetings with various Departments and proposed Option #3. Commissioner Schulkin moved to accept Commissioner Araujo’s recommendation to utilize Option #3. Before a vote was taken by the full Board, there was discussion. Secretary Umane noted that he agrees using a 12 point font size, but does not recommend changing the order of the ballot as per past practice. He noted that the layout is usually based on the geographical size of the candidates running. Mr. Naudus noted that ballots were laid out as Option #3 in the 2002 gubernatorial election due to the five (5) languages

requirement in Queens. There are no crossover districts with judicial contests. Mr. Sattie noted that it is very likely that the Bronx and Staten Island will have enough real estate to fit all offices on one (1) side of the ballot utilizing a 12 point font size. Mr. Sattie noted that there are no instructions printed due to the full ballot. Ballot instructions will be printed on the Enhanced Privacy Sleeve which is given to every voter and will also be posted in every poll site which meets the statutory requirements. Enhanced Privacy Sleeves are recycled and replenished over time to save on costs. Mr. Sattie reported that it will be a large time and cost savings rather than printing additional ballot instruction sheets for each voter. Commissioner Araujo moved to adopt Ballot Layout Option #3 for the November 8, 2016 General Election - 12 point font size, 2-sided 19" ballot, listing non-judicial public office contests on one side and judicial contests on the other side, consistent for all five (5) counties, and to proceed in laying out the ballot on 1-side for the Bronx and Staten Island in the same order as the other counties, if it can fit. Commissioner Schulkin seconded the motion, with Secretary Umame opposing. The motion was adopted. Commissioner Michel moved to print the ballot instructions on the Enhanced Privacy Sleeves, post them at the poll sites, and on the Board's website, eliminating additional ballot instruction sheets to save on costs for

all future elections. Commissioner Schulkin seconded the motion, with Commissioner Flateau abstaining. The motion was adopted.

Commissioner Flateau requested for Mr. Sattie to email the Commissioners a PDF of their borough's ballot once they are built.

Commissioner Araujo recommended adding 2-sided ballot information for the voters in the Board's legal ads, and to post a public notice on the Board's website.

Mr. Sattie inquired about the Absentee Ballot layout and instructions on 2-sided Absentee Ballots. Mr. Ryan recommended printing the Absentee Ballots consistent as the Election Day Ballots, and in those boroughs where the ballot is 2-sided and the instructions cannot fit, to print separate Absentee Ballot instruction sheets because those voters are not receiving an Enhanced Privacy Sleeve. Commissioner Flateau moved to adopt Mr. Ryan's recommendation. Before a vote was taken by the full Board, Secretary Umane requested for a friendly amendment. He recommended that the ballot instructions will not be considered part of the official Absentee Ballot, and will not be an issue if it is included or not with the voter's Absentee Ballot. He noted that in past close elections,

some candidate's lawyers have interpreted ballot instructions as part of the official Absentee Ballot and challenged those ballots if the instructions were not included in the return envelope. Commissioner Flateau moved to accept Secretary Umame's amendment to his motion, which was seconded and unanimously adopted.

Mr. Sattie reported on the amount of Election Day Ballots to order for the November 8, 2016 General Election. In 2012, Mr. Sattie recommended ordering 125% for the registered voters, and the Commissioners authorized 115% which was a sufficient amount. Mr. Sattie recommended ordering 115% Election Day Ballots for the registered voters and 25% for Affidavit Ballots of the registered voters per Election District or no less than 100 per Election District. Secretary Umame inquired about past voter turnout and recommended ordering 110% for cost savings. Based on past elections, Mr. Sattie confirmed that 110% would be sufficient amount to order. Commissioner Rendino requested for a borough breakdown of specific numbers in the future. Commissioner Flateau moved to adopt 110% for Election Day Ballots and 25% for Affidavit Ballots of the registered voters per Election District or no less than 100 per Election District. Commissioner Rendino seconded the motion, which was unanimously adopted.

Secretary Umane asked Mr. Sattie to look into any ballot perforation issues with the print vendors.

President Guastella recognized Alan Flacks, a member of the public, who spoke about the customary order of the ballot and the language for the size of type.

President Guastella recognized Katharine Loving, a representative of the New York City Campaign Finance Board, who requested for the list of designated sites for Local Registration Day scheduled on Saturday, October 15, 2016.

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

Following Executive Session, the open public meeting resumed and Mr. Ryan reported that no action was taken in Executive Session.

The Commissioners unanimously adjourned the meeting.

The next stated meeting of the Commissioners will be held on Tuesday, October 11, 2016 at 1:30 P.M.