

MEETING OF THE COMMISSIONERS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, AUGUST 15, 2017 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Frederic M. Umame
 Secretary Rosanna Vargas

Commissioners Maria R. Guastella, Alan Schulkin, Simon Shamoun,
Robert Siano, John Wm. Zaccone

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
Nina M. Crispino, Director, Personnel
John Naudus, Manager, Electronic Voting Systems
Thomas Sattie, Associate Staff Analyst, Ballot Management
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Wendy Byrne, NYLWV
 Soniau Raffi, CFB
 Cathy Gray, LWVNYC
 Katharine Loving, NYC Campaign Finance Board
 Ruby Mohammed, LeFrak City
 Ethan Fielder, Blac
 Bertha Lewis, Blac
 Araya Worgwan, Blac
 Cenadra
 B.C., Blac
 Jim Galloway, LeFrak City
 Malikah Shabazz, President, LeFrak City Tenants Assoc.
 Melvin Morgan

President Umane called the meeting to order at 1:35 P.M.

Secretary Vargas moved to adopt the minutes for the August 2, 2017 meeting. Commissioner Guastella seconded the motion, with Commissioner Shamoun abstaining. The motion was adopted.

Mr. Richman requested to add the following items to the agenda:

1. Cover Sheet Review Committee Meeting to meet immediately after the meeting – President Umane and Commissioner Schulkin were designated to serve as the Cover Sheet Review Committee;
2. Commissioners' consideration of an application by a candidate to modify his/her name on the ballot;
3. Commissioners' consideration of an affidavit submitted by a candidate concerning his/her name change.

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

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

- I. The Commissioners granted 133 hours Advance of Time to Shauntrice Jones, a Permanent Trainer Assistant in the Manhattan Office, to be paid back with her leave balances upon her return. Ms. Jones' agency start date is September 14, 2003.

Mr. Ryan requested to table item #2. (a.) – Additional Borough Staff for Primary and Potential Run-off Elections. Commissioner Shamoun moved to table item #2. (a). Commissioner Guastella seconded the motion, which was unanimously adopted.

Mr. Naudus and Mr. Sattie reported on the ballot percentage order for the September 12, 2017 Primary Election. Sample ballots were distributed to the Commissioners for review. Staff recommended ordering for 65% of the total registered voters per Election District (ED) for all contests, with the exception of the Reform Party. It was noted that ordering ballots for Reform Party Primary Election is a new task for the Board. There are a total of 183 registered Reform Party voters citywide. The Reform Party allows no Party affiliated “blank” voters to vote in their Primary Election,

and there are a total of 780,409 no Party affiliated “blank” voters citywide. President Umane suggested ordering one (1) packet of 25 scanner ballots per ED and one (1) packet of affidavit ballots per ED. Affidavit ballots could be treated as Emergency ballots, and additional ballots could be delivered to a poll site, if needed. Mr. Naudus noted that the EDs in the poll sites cannot share ballots because there would be an imbalance on results reporting. President Umane recommended reporting the results per Assembly District as it has been conducted in the past. All results can be reported on the lowest ED/AD in the poll site. President Umane noted that the Board cannot determine how many “blank” voters will vote on Election Day and concerns were raised about ballot costs. President Umane recommended ordering for 65% of the total registered voters per Election District (ED) for all Party contests in the September 12, 2017 Primary Election, excluding the Reform Party. To order for the Reform Party, there will be one (1) packet of 25 scanner ballots per ED and one (1) packet of affidavit ballots per ED, and results will be reported in a uniform manner from the lowest ED/AD in the poll site citywide. The motion was seconded, and unanimously adopted.

President Umane moved to table item #2. (c) – EVS Manual Updates – for further review by staff for any necessary changes.

Commissioner Zaccone seconded the motion, which was unanimously adopted.

Mr. Ryan reported on the Board's hours of operation for the last day to register to vote for the September 12, 2017 Primary Election. Mr. Ryan recommended for all Borough Offices and the General Office to remain open until 9:00 P.M. on Friday, August 18, 2017. Commissioner Schulkin moved to approve Mr. Ryan's request. Commissioner Siano seconded the motion, which was unanimously adopted. Notice will be posted on the Board's website.

Mr. Richman reported that he received a telephone call from the New York State Chair of the Green Party about Persephone Sarah Jane Smith, candidate for the Green Party, 37th Council District, Kings County, who received a Board Enrollment Issue Notice last week. Ms. Smith advised she legally changed her name prior to petitioning with a Court Order. Copies of Ms. Smith's notarized affidavit with attachments were distributed to the Commissioners for review. Attachments include an Order Granting Leave to Change Name issued by Kings County Civil Court dated May 19, 2017, and Ms. Smith's new voter registration form for a name change. Mr. Richman reported that the documents were submitted timely.

Based on the documentation submitted, Mr. Richman recommended for the Commissioners to reverse the Board's Prima Facie decision and to restore Persephone Sarah Jane Smith, candidate for the Green Party, 37th Council District, Kings County, to the General Election ballot. Commissioner Zaccone moved to adopt Mr. Richman's report. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Mr. Richman reported that he received an affidavit yesterday from Robert Capano, candidate for the Republican Council Member, 43rd Council District, Kings County, requesting to modify his name to Bob Capano on the Primary Election ballot. Mr. Richman noted that a shortened name change is permitted as long as there is no confusion to the voter. Copies of Mr. Capano's notarized affidavit and voter registration records were submitted to the Commissioners for review. Mr. Richman reported that Mr. Capano is the only person with that name registered at his address. Based on the documentation submitted, Mr. Richman recommended for the Commissioners to grant Mr. Capano's request to modify his name to Bob Capano on the Primary Election ballot. Commissioner Siano moved to adopt Mr. Richman's report. Commissioner Zaccone seconded the motion, which was unanimously adopted.

Mr. Ryan reported that there are members of the public who have requested to speak about the LeFrak City poll site in Queens County. President Umame recalled that this matter was addressed at the previous meeting.

President Umame opened the floor for the following members of the public who advocated for the Board to not move LeFrak City's poll site:

- Ruby Mohammed, LeFrak City tenant;
- Malikah Shabazz, President, LeFrak City Tenants Association;
- Bertha Lewis, President of Black Leadership Action Coalition.

Mr. Ryan reported that Board staff reached out to LeFrak City's upper management last week and conducted a walk-through to survey alternative rooms within the complex. Staff evaluated the Lobby and Synagogue, and has been attempting to gain access to the Mosque and Baptist Church to conduct a poll site survey as well. These two (2) rooms have not been accessible to the Board and Mr. Ryan's requested for assistance from the LeFrak City advocates to help gain access to these rooms. President Umame reiterated that the Board is constrained to the Federal Court Order's ADA accessibility guidelines when surveying a poll site and Board staff is trying to accommodate LeFrak City's residents.

President Umane moved to adjourn the meeting. The motion was seconded, and unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, August 22, 2017 at 1:30 P.M.