

HEARINGS ON OTB PETITIONS AND THE CONTINUATION OF
DESIGNATING PETITION HEARINGS AND RELATED MATTERS FOR
THE SEPTEMBER 9, 2014 PRIMARY ELECTION, AND

THE MEETING OF THE BOARD OF CANVASSERS IN THE CITY OF
NEW YORK TO RE-CERTIFY THE RESULTS OF THE JUNE 24, 2014
DEMOCRATIC PARTY FEDERAL OFFICE PRIMTARY ELECTION IN
NEW YORK COUNTY, AND

THE MEETING OF THE COMMISSIONERS IN THE CITY OF NEW YORK

HELD ON TUESDAY, AUGUST 5, 2014

AT 1:30 P.M.

42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Jose Miguel Araujo
 Secretary Michael Michel

Commissioners Ronald Castorina, Julie Dent, Maria R. Guastella, Michael
Rendino, Simon Shamoun, Frederic M. Umane

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Giacomo Kmet, Contract Attorney
Anibal Luque, Contract Attorney
David Inkeles, Law Student Intern
Michael Forsette, Law Student Intern
Valerie Vazquez, Director, Communications & Public Affairs
Nina Crispino, Director, Personnel
Matthew Graves, Acting Coordinator, Candidate Records Unit
Thomas Sattie, Associate Staff Analyst, Candidate Records Unit
Michael Carmicino, Administrative Associate, Candidate Records Unit
Greg Lehman, Chief Clerk, Manhattan Office
Alan Schulkin, Deputy Chief Clerk, Manhattan Office
Robert Pataky, Administrative Associate, Queens Office
Diane Rudiano, Chief Clerk, Brooklyn Office

BettyAnn Canizio, Deputy Chief Clerk, Brooklyn Office
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Barry Cooper
L.R. Potter
Ryan Johnson
Garth Marchant
Paul S. Lipton
Joseph Hayon
Alan Flacks, Member of NY County Democratic Committee
Gene Berardelli, for Diana Sepulveda
Casey Carroll, for Jonathan Yedin
Kate Doran, LWV
Katharine Loving, CFB
Carolyn Sheehan, DOI
M. Conde
Linda Lupie
Kate Cocco
Monica Bartley
B. M. Alter
John Smith
Robert Carroll
Susan Mauro
Jeff Feldman
Jonathan Harkavy
Diane Sookrane
Celeste
Peter Cipriano
William Pearlman
Alexandra Sherer
Robert Morgan

President Araujo called the meeting to order at 1:45 P.M.

President Araujo announced that the Commissioners would conclude the Hearings on challenges to Designating Petitions for State and Local Offices as well as Party Positions to be contested in the September 9, 2014 Primary Election as well as all Opportunity to Ballot petition challenges for the same Primary Election. President Araujo stated the procedures to be followed during the Hearings.

President Araujo requested to add an item to the Hearings. He requested for the full Board to reconsider sixteen (16) CRU Candidate Enrollment Issues for Queens County. Secretary Michel seconded the motion, which was unanimously adopted.

President Araujo called upon Mr. Richman to call the Calendar for the Hearings.

Mr. Richman reported that in accordance with the Commissioners' direction, notice was given to all interested and necessary parties concerning the Public Hearings relating to the September 9, 2014 Primary Election.

Mr. Richman called the Calendar for the Continuation of Hearings on

Designating Petitions and Related Matters. He noted that the Calendar was posted for the public as required.

Mr. Graves presented the detailed list of Queens Democratic Candidate Enrollment Issues containing sixteen (16) candidates that were found to be active registered voters. There were no appearances. President Araujo moved to restore these sixteen (16) candidates back on the ballot, and to remove their names from the CRU Candidate Enrollment Issues Report for Queens County. Secretary Michel seconded the motion, which was unanimously adopted.

Mr. Graves presented the Candidate Enrollment Issues Report for Kings County. In selected instances, there were appearances by a candidate and/or their representative which is noted on the Candidate Enrollment Issues Report on file at the Board. The Commissioners' determinations are reflected on the Candidate Enrollment Issues Report on file at the Board.

Mr. Graves presented the CRU Prima Facie Report on Overdesignations for Kings County. There were no appearances. The Commissioners' determinations are reflected on the CRU Prima Facie

Report on file at the Board.

Mr. Richman called the Revised Clerk's Reports for Specifications of Objections for Kings County. In selected instances, there were appearances by a candidate and/or their representative which is noted on the Revised Clerk's Report on file at the Board. The Commissioners' determinations are reflected on each Revised Clerk's Report acted upon.

Mr. Richman called the Specifications of Objections for Queens County. There was an appearance by a candidate and/or their representative which is noted on the Clerk's Report on file at the Board. The Commissioners' determinations are reflected on each Clerk's Report acted upon.

Mr. Richman called the Calendar for the Hearings on Opportunity to Ballot petition matters.

Mr. Richman presented the Legal Prima Facie Report for Opportunity to Ballot for Kings County. There were no appearances. The Commissioners' determinations are reflected on the Legal Prima Facie Report on file at the Board.

Mr. Richman called the Specifications of Objections for Opportunity to Ballot for Kings County. There were appearances by a candidate and/or their representative which is noted on the Clerk's Report on file at the Board. The Commissioners' determinations are reflected on each Clerk's Report acted upon.

Pursuant to the provisions of Title 2 of Article 9 of the NYS Election Law, President Araujo convened the meeting of the Board of Canvassers to order for the purposes of re-certifying the recanvass of votes cast on June 24, 2014 in the Democratic Federal Office Primary Election in the County of New York.

To serve as the other Democratic Member of the Canvassing Board, President Araujo designated Commissioner Guastella who is acting as the Democratic Commissioner for New York County.

Secretary Michel designated Commissioner Umane, the Republican Commissioner for New York County, to serve with him for today's meeting.

Mr. Lehman, Mr. Schulkin and their Manhattan Office staff have prepared and signed a Revised Statement and Return of Canvass for the

Democratic Party Federal Office Primary Election conducted in New York County portion of the 13th Congressional District on June 24, 2014. Mr. Lehman submitted the Revised Statement and Return of Canvass to the full Board for review and approval.

Mr. Lehman and Mr. Schulkin presented a detailed report to the Commissioners and public outlining the facts and circumstances that required them to submit a Revised Statement and Return of Canvass.

Mr. Lehman and Mr. Schulkin confirmed that the results presented are accurate and correct, there are no additional 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 NYS Election Law do not have to be revised.

Based on the reports received, Commissioner Umame moved that the Board of Canvassers re-certify the Statement and Return of Canvass for the Democratic Party Federal Office Primary Election conducted in the 13th Congressional District within New York County on June 2014. Commissioner Guastella seconded the motion, which was unanimously adopted.

Commissioner Umane moved to approve and adopt the revised Recap Statement and Return of Canvass for the Democratic Party Federal Office Primary Election conducted on June 24, 2014 for the 13th Congressional District which includes portions of both New York and Bronx Counties within the City of New York. Commissioner Guastella seconded the motion, which was unanimously adopted.

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

Commissioner Umane moved to adjourn the meeting of the Board of Canvassers and to convene the weekly stated meeting of the Commissioners of Elections in the City of New York. Commissioner Guastella seconded the motion, which was unanimously adopted.

Mr. Ryan reported that he has an additional item to be added to the agenda concerning the timing of building the Election Day ballots.

Commissioner Castorina moved to adopt the minutes for the

July 29, 2014 Meeting. Commissioner Guastella seconded the motion, which was unanimously adopted.

Mr. Ryan reported on the Election Commissioners' Association Summer Conference which was held from July 29, 2014 through August 1, 2014. In attendance were Mr. Ryan, Ms. Sandow, Ms. Perkins, Mr. O'Grady, Mr. Ferguson, Mr. Naudus, Mr. Savino, and Commissioner Guastella. Mr. Naudus and Mr. O'Grady gave a presentation at the Conference with respect to the technology advancements at the Board. They spoke about the development of the Voting Information Center Kiosk (VICKI) and the enhancements made to the Election Management System (EMS) which were made in-house at the Board. Mr. Ryan reported that the other New York State county board of elections staff members in attendance were surprised about the high amount of poll workers that are employed on Election Day, and the timing of Election Night unofficial results being uploaded at 9:04 P.M. and 9:06 P.M. with the Portable Memory Devices (PMDs) at a poll site. The Kiosk received a lot of attention as well. Mr. Ryan added there were also roundtable work groups that discussed ADA compliance issues and poll worker training.

Mr. Ryan reported that there is an issue concerning the building of

Election Day ballots. Currently, there is litigation associated with the Governor's race which affects all ballots. A candidate may be removed from the ballot. The matter is scheduled to be heard on Thursday, August 7, 2014. The Board's drop dead date to build the Election Day ballots is Monday, August 11, 2014. Mr. Naudus reminded that staff has to build, proof, print and test all the ballots so producing two (2) different ballots is not an option at this time; there is not enough time to do all of that extensive work. After discussion, Commissioner Umame moved for the Board to plan on commencing the building of the ballots based at the end of the Supreme Court Hearing at the C.O.B. on August 11, 2014, but if the Board does not hear a determination, the Board should start building the ballots with the candidate's name on it. A public notice could be sent to the voters if the candidate should be taken off the ballot by Court. Before a vote was taken, there was discussion. Mr. Sattie and Mr. Naudus reported that they can wait to build the ballots until the next stated Commissioners' Meeting scheduled on Tuesday, August 12, 2014. They recommended discussing the Court's findings with the Commissioners before building the ballots. There would be a 24 hour delay with the drop dead date. Commissioner Umame moved to amend his previous motion for the Board to wait to build the ballots until C.O.B. on Tuesday, August 12, 2014. Commissioner Guastella seconded the motion, which

was unanimously adopted. Commissioner Guastella moved for Mr. Ryan to contact the Judge's law secretary to make them aware of the time sensitivity of this case. Commissioner Castorina seconded the motion, which was unanimously adopted. Commissioner Umane also recommended for Mr. Ryan to write a follow-up letter to the Court and both parties informing them about this time sensitive matter.

Mr. Ryan reported on the Poll Book changes. The Poll Books have been tabbed alphabetically to aid the poll workers. Mr. Ryan presented a tabbed Poll Book for review. He reported that the pages are double-sided in an effort to "go green." Metal spiral binding is used instead of plastic. The double-sided pages will make it easier and faster for Borough Office staff to scan the books to give credit to voters after the election. It was noted that the tabbed pages break at the end of the alphabet letter on each page to help prevent confusion. Commissioner Castorina recommended for the tabs to be double-sided since the pages are double-sided. The tabbed Poll Books will be implemented for the 2014 September Primary Election.

President Araujo recognized Alan Flacks, a member of the public, who spoke about the amount of Election Night scanner results tapes at the

poll site.

President Araujo moved to adjourn the meeting. Commissioner Guastella seconded the motion, which was unanimously adopted.