

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON THURSDAY, SEPTEMBER 4, 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 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
Raphael Savino, Deputy General Counsel
Valerie Vazquez, Director, Communications & Public Affairs
Nina M. Crispino, Director, Personnel
Matthew Graves, Acting Coordinator, Candidate Records Unit
BettyAnn Canizio, Deputy Chief Clerk, Brooklyn Office
Francenia Sims-Hall, Administrative Assistant, Brooklyn Office
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: John D. Smith
 Jonathan Yedin
 Kate Doran, LWV
 A. Robert Brown, for Adolphe
 Riquet Figaro, Esq., for Adolphe
 Pete R.
 Ezra B. Glaser, for Caller
 Anna-Maria Thomas
 Moster Frida, for Caller
 K. Loving, CFB
 Alan Flacks, Member of NY County Democratic Committee
 C. Katz, NYDN

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

President Araujo announced that the Commissioners will conduct the Hearings on Independent Nominating Petitions for State and Local Offices for the November 4, 2014 General Election. President Araujo stated the procedures to be followed during the Hearings and asked Mr. Richman to call the Calendar.

Mr. Richman called the Calendar for the Hearings.

Mr. Richman presented the Legal Prima Facie Report. Sufficient notice was sent to the candidates as required. There were no appearances. The Commissioners' determinations are reflected on the Legal Prima Facie Report on file at the Board. The Commissioners recalled that Walter N. Iwachiw has been referred to the New York County District Attorney's Office in the past for submitting fraudulent documents to the Board, and recommended to refer the new matter to the New York County District Attorney's Office. Secretary Michel moved for the Office of the General Counsel to refer this matter to the D.A.'s Office. Commissioner Umame seconded the motion, with President Araujo abstaining. The

motion was adopted. President Araujo noted he abstained because he is the Court Examiner for Mr. Iwachiw's mother's guardianship.

Mr. Graves presented CRU Prima Facie matters. Sufficient notice was sent to the candidates as required. There were no appearances. The Commissioners' determinations are reflected on the CRU Prima Facie Report on file at the Board.

President Araujo concluded the Hearings.

It was reported that a Bronx personnel matter will be discussed in Executive Session.

Mr. Richman reported that there is a Challenge to a Voter Registration for today's meeting.

Mr. Richman requested for volunteers for a Commissioners' Committee to review Cover Sheets immediately after the meeting. Commissioners Umane and Dent volunteered to serve as a Cover Sheet Review Committee.

Mr. Ryan requested to discuss a personnel matter in Executive Session.

Mr. Richman requested authorization of Borough Commissioners' Committees to provisionally certify the results of the September 9, 2014 Primaries for Delegates and Alternate Delegates to the Judicial Convention. A copy of the memorandum is in the agenda. Mr. Richman reported this is past practice to meet all of the Board's statutory obligations. Commissioner Umame moved to adopt Mr. Richman's request. President Araujo seconded the motion, which was unanimously adopted.

Mr. Richman presented an application from the New York State Green Party to invalidate a fraudulent Certificate of Authorization filed with the City Board. Copies of the request were distributed to the Commissioners. Candidate Trevor Archer in the 83rd Assembly District is not enrolled in the Green Party and did not receive authorization from the appropriate party committee to appear as a candidate for public office. Mr. Richman recommended for a Hearing to be scheduled on Tuesday, September 16, 2014. Sufficient notice will be sent to Mr. Archer and Ms. Mattera advising them to appear. President Araujo moved to adopt

Mr. Richman's recommendation. Commissioner Guastella seconded the motion, which was unanimously adopted.

Commissioner Guastella moved to adopt the minutes for the August 19, 2014 meeting. Commissioner Umane seconded the motion, with President Araujo abstaining. The motion was adopted. President Araujo abstained because he was not present at that meeting.

Commissioner Umane moved to adopt the minutes for the August 26, 2014 meeting as a Commissioners' Committee report. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. Ryan presented the draft Canvass/Re-Canvass Procedures. The Electronic Voting Systems Department and the Office of the General Counsel has reviewed the draft Procedures with Executive Management. Mr. Ryan summarized the proposed changes. After discussion, Secretary Michel moved to adopt the draft Canvass/Re-Canvass Procedures with Mr. Ryan's recommendations, and to add a footnote explaining the language for "margin of victory" in Section 14.1 (The "margin of victory" shall mean the margin of victory for all votes cast for the entire contest. If

a contest crosses outside of the jurisdiction of the Board of Elections in the City of New York said definition is not limited to the portion of the contest in the City of New York; rather it extends to the entire contest.) Commissioner Guastella seconded the motion, which was unanimously adopted.

Ms. Leible presented the Poll Worker Exception Report for the September 9, 2014 Primary Election. The recommended exceptions follow:

- Manhattan – 15 Spanish Interpreters where they are needed;
- Queens – 8 Coordinators for high traffic poll sites;
- Staten Island – 11 Coordinators & 6 Door Clerks for high traffic poll sites;
- Bronx and Brooklyn have no exceptions.

Commissioner Umane moved to adopt the Poll Worker Exception Report for the September 9, 2014 Primary Election. Commissioner Guastella seconded the motion, which was unanimously adopted.

President Araujo opened the floor for Alinton Brown, a member of the public, who challenged a voter's registration. Mr. Brown presented his Challenge to a Voter's Registration affidavit to the Commissioners. Mr. Brown swore before the Commissioners, pursuant to the provisions of

Section 5-220(1) of the NYS Election Law, challenging the voter registration of Bichotte Rodneyse, D.O.B. 12/2/74, VSN # 410019872. Mr. Richman objected to the Challenge. He reported that this matter was in Court earlier today and the Judge's decision is that Bichotte Rodneyse is properly registered to vote in NYC. Bichotte Rodneyse's voter registration has all required information. Mr. Richman and Mr. Savino have reviewed this matter and they both recommend to reject Alinton Brown's Challenge to a Voter's Registration. Commissioner Umane moved to dismiss the Challenge to a Voter's Registration based on the Court Order and information provided. Commissioner Guastella seconded the motion, which was unanimously adopted.

President Araujo recognized Alan Flacks, a member of the public, who spoke about his request for three (3) scanner results tapes on Election Night which was discussed at previous meetings. Mr. Ryan recalled that the Election Night Reporting Procedures were discussed in public session before it was approved by the Commissioners, and the procedures will not be changed at this time.

Commissioner Umane moved to convene an Executive Session for purposes of personnel. President Araujo seconded the motion, which was

unanimously adopted.

Following Executive Session, the open public meeting resumed and President Araujo reported the following actions taken in Executive Session:

- I. Valerie Vazquez, the Director of Communications in the Executive Office, will be granted 420 hours of Advance of Time to be paid back with her accruals upon her return. The commencement date for this leave will be the first day of her absence due to childbirth. The motion was unanimously adopted;
- II. John Bougiamas, an Associate Staff Analyst in the Executive Office, has been suspended without pay pending a disciplinary hearing. The motion was unanimously adopted.

Commissioner Umane moved to postpone the Hearing relating to CRU Prima Facie matters for candidate David Paul Garland until Tuesday, September 16, 2014. The candidate did not receive notice. Secretary Michel seconded the motion, which was unanimously adopted.

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

The next stated meeting of the Commissioners will be held on Tuesday, September 16, 2014 at 1:30 P.M.