

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, SEPTEMBER 16, 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
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Nina M. Crispino, Director, Personnel
Matthew Graves, Acting Coordinator, Candidate Records Unit
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: John H. Reynolds
 Kate Doran, LWV
 Anna-Maria Thomas
 Carl Lundgren
 Gloria Mattera, NYS Green Party
 Robert Morgan, for David Garland
 Alexandra Sherer
 Rushelle Sharpe, DOI
 Mark Dunlee, NYS Green Party
 David Garland
 Katharine Loving, CFB
 Michael O'Neil
 John D. Smith
 Cathy Gray
 C. Katz, NYDN
 Tom Sirauve, Green Party

M. Benjamin
Alan Flacks, Member of NY County Democratic Committee

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

President Araujo announced that the Commissioners will conduct the Hearing on Certificate of Authorization filed for Trevor Archer as the Green Party Candidate for Member of the New York State Assembly, 83rd District. Mr. Richman recalled that the Commissioners scheduled this public hearing at the previous meeting to review the allegations contained in the August 29, 2014 letter from the officers of the New York State Green Party. Sufficient notice of the public hearing was sent to the respective parties. There were appearances by Gloria Mattera, Michael O'Neil, and Mark Dunlee, the representatives of the NYS Green Party, and John H. Reynolds, the representative for candidate Trevor Archer and Bronx County Green Party. Mr. Richman distributed copies of his report and provided a summary. The parties appeared before the Commissioners, presented their statements and responded to the Commissioners' questions. After discussion, Commissioner Umane moved to amend the CRU Prima Facie Report to include Trevor Archer's name. Secretary Michel seconded the motion, with Commissioner Dent abstaining. The motion was adopted. Candidate Trevor Archer will not appear on the

ballot. Commissioner Dent noted that she abstained because she arrived late to the meeting.

Mr. Graves presented the Hearing on CRU Prima Facie Report on Independent Nominating Petitions and related matters for the November 6, 2014 General Election concerning candidate David Paul Garland, Member of Assembly, 76th District, New York County. It was noted that this matter was tabled for second call at the previous meeting. Representative Robert Morgan appeared for candidate David Paul Garland. Mr. Morgan presented his statement and answered the Commissioners' questions. After discussion, Commissioner Umane moved to remove candidate David Paul Garland from the CRU Prima Facie Report for the November 4, 2014 General Election. Secretary Michel seconded the motion. In a roll call vote, there were three (3) in favor (Michel, Rendino, Umane), four (4) opposing (Araujo, Castorina, Dent, Guastella), and one (1) abstaining (Shamoun). The motion was not agreed to. Commissioner Umane moved to adopt the CRU Prima Facie Report. Secretary Michel seconded the motion. In a roll call vote, there were five (5) in favor (Araujo, Castorina, Dent, Guastella, Shamoun) and three (3) opposing (Michel, Rendino, Umane). The motion was not agreed to. Candidate David Paul Garland remains on the ballot.

President Araujo concluded the Hearings.

Commissioner Dent moved to adopt the minutes for the September 4, 2014 meeting. Commissioner Umame seconded the motion, with Commissioner Castorina abstaining. The motion was adopted. Commissioner Castorina abstained because he was not present at that meeting.

Mr. Ryan provided a preliminary report of the September 9, 2014 Primary Election. The preliminary report follows:

- Voter turnout was slightly over 10%;
- The new alphabetized tabbed Poll Books made a big difference processing voters in the poll site;
- The Enhanced Privacy Sleeves were the ticket to the scanner and worked great like Voter Cards. If a voter had a regular Election Day ballot, they received a black inked Privacy Sleeve. If a voter had an affidavit ballot, the Privacy Sleeve had red ink. The Enhanced Privacy Sleeve is slightly longer to accommodate ballot sizes ensuring voter privacy;
- Tablets were used by all staff working in the field on Election Day; there was 85% usage;

- There were numerous tweaks to the system to speed up the uploading of unofficial Election Night results. There was improvement in the data processing from 2013. The first uploading of results was at 9:10pm. In 2013, the first upload was at 9:35pm. Mr. Ryan requested to discuss this process in future meetings to see how the Board can upload the PMDs results faster and directly from the poll sites. The delivery of the PMDs to the Police Precincts presents a problem with the speed of uploading;
- A total of six (6) Scanners and five (5) BMDs had to be replaced according to the Voting Equipment Operations Unit;
- Ballot jams have been greatly reduced. The new firmware changes have improved the system.

Mr. Ryan reported that Board staff is still in the process of collecting data from the election. Commissioner Umame reported that he visited New York County poll sites and recommended additional training for Poll Workers concerning how much help to give the voters by the scanners.

President Araujo recognized Alan Flacks, a member of the public, who spoke about his Election Day experiences in New York County.

President Araujo moved to convene an Executive Session for purposes of personnel. Commissioner Umame 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. Troy Johnson, a Project Coordinator in the Executive Office, was granted a discretionary advance of 420 hours of time. It was noted that Mr. Johnson is entitled to these hours because he has been an employee at the Board for over ten (10) years;
- II. Lisa Arroyo, a Clerk in the Bronx Office, was granted an advance of 66 hours to be paid back with her accruals upon her return on October 6, 2014;
- III. Shanette Brown, an Administrative Assistant in the Executive Office, was granted an advance of 420 hours of time to be paid back with her accruals upon her return;
- IV. The Commissioners received a letter of resignation, as of September 15, 2014, from John Bougiamas, an Associate Staff Analyst in the Executive Office. The Commissioners accepted his letter of resignation. The Employee Advisory has been

withdrawn and the suspension has been terminated.

President Araujo moved to adjourn the meeting. Secretary Michel seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, September 23, 2014 at 1:30 P.M.