

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, SEPTEMBER 30, 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, John Flateau, Maria R. Guastella,
Bianka Perez, Michael Rendino, Alan Schulkin, 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
Matthew Graves, Acting Coordinator, Candidate Records Unit
Nina M. Crispino, Director, Personnel
Anthony Ribustello, Deputy Chief Clerk, Bronx Office
BJ Rivera, Administrative Associate, Bronx Office
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Gene Berardelli, for Brooklyn GOP
 Anna-Maria Thomas
 John D. Smith
 Kate Doran, LWV
 Monica Bartley, CIDNY
 Pete Rely, DOI
 Morgan Gorman, NYDLC
 Katharine Loving, CFB
 Dominic Kang, Citizens Union
 Alan Flacks, Member of NY County Democratic Committee
 Cathy Gray
 Eddie Cuesta, Dominicanas USA

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

President Araujo convened the meeting of the Board of Canvassers in the City of New York to certify the results of the September 9, 2014 Democratic Primary Elections for Member of Assembly in the 86th A.D. and Male District Leader in the 79th A.D., Bronx County, pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, specifically sections 9-204, 9-210, and 9-212.

President Araujo noted that Commissioner Rendino joined the meeting.

President Araujo designated Commissioner Perez to serve as the other Democratic Member of the Canvassing Board to sign the certified statements.

Secretary Michel designated Commissioner Rendino to serve as the other Republican Member of the Canvassing Board to sign the certified statements.

The Deputy Chief Clerks of Bronx County and their staff have prepared and signed the Statement and Return of Canvass for the September 9, 2014 Primary Elections for both the 86th Assembly District Democratic Primary for Male District Leader and the 79th Assembly District Democratic Primary for Male District Leader, both of which required a full manual canvass, in accordance with the Board's Policies and Procedures. Mr. Ribustello and Mr. Rivera presented the Statements to the Canvassing Board for review and approval. Mr. Ribustello and Mr. Rivera confirmed that the results presented are accurate and correct, there are no unresolved discrepancies to report to the Board, and for each contest there was a full manual canvass conducted in accordance with this Board's duly adopted Canvass and Re-Canvass Procedures. Per Commissioner Rendino's request, Mr. Savino provided background information on why the Board conducted the manual canvass and explained the Board's policy on voter intent. Mr. Richman noted that historically it was the first time that a manual canvass changed the outcome of the results after the initial canvass was completed for the 86th A.D. Democratic Primary for Male District Leader. The final total vote summary follows:

- Victor M. Pichardo – 1,888
- Hector R. Ramirez – 1,886
- Overvote – 23

- Undervote – 346
- Write-Ins – 14
- Void – 1

The final total vote summary for the 79th Assembly District Democratic Primary for Male District Leader follows:

- John Tucker – 927
- Bruce Rivera – 912
- Wilbert T. Lawton – 819
- Javier Aviles – 801
- Emmanuel A. Findlay – 547
- Overvote – 37
- Undervote – 1,498
- Write-Ins – 9
- Void – 0

Based on the report, Commissioner Rendino moved that the Board of Canvassers certify the Statements and Returns of Canvass submitted for the September 9, 2014 Primary Elections for the 86th Assembly District Democratic Primary for Member of the Assembly and the 79th Assembly

District Democratic Primary for Male District Leader, both located in Bronx County. Commissioner Perez seconded the motion, which was unanimously adopted.

On behalf of the Commissioners, President Araujo thanked the Bronx Office staff for their hard work during the manual canvass.

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.

President Araujo opened the floor for brief comments from Stanley Schlein, the representative for candidate Victor M. Pichardo for the 86th A.D. Democratic Primary for Member of the Assembly. Mr. Schlein thanked the Board's Democratic and Republican staff in the Bronx Office for their hard work during the manual canvass and recognized the importance of a manual canvass.

Commissioner Castorina moved to adjourn the meeting of the Board of Canvassers and to convene the weekly stated meeting of the

Commissioners. Secretary Michel seconded the motion, which was unanimously adopted.

Mr. Graves presented the CRU Prima Facie Report concerning Certificate of Nomination for Supreme Court Justice, Kings County, for the November 4, 2014 General Election. There was an appearance from Gene Berardelli, representing the Kings County Republican Party, who provided a statement and answered questions from the Commissioners. Based on the New York State Election Law, Commissioner Flateau moved to adopt the CRU Prima Facie Report for Kings County for the November 4, 2014 General Election. Commissioner Shamoun seconded the motion, which was unanimously adopted.

President Araujo moved to adopt the amended draft minutes for the September 23, 2014 meeting. The motion was seconded and unanimously adopted.

Mr. Ryan reported on the ballot layout for the November 4, 2014 General Election. Mr. Ryan recalled that there were some ballot complexities which were discussed at the previous meeting. These difficulties are out of the control of the Board as a result of litigation and the

State Board. Due to time restraints, Mr. Ryan suggested for the Commissioners' Ballot Layout Committee to meet on Friday to discuss the layout, and to authorize the printing of Military and overseas ballots in order to meet the mailing deadline, and to extend the authorization to Absentee and Election Day ballots. The Commissioners' Ballot Layout Committee (consisting of Commissioners Araujo, Castorina, Guastella and Michel) agreed to meet on Friday, October 3, 2014 at 1:00 P.M. Mr. Ryan distributed copies of a preliminary gubernatorial sample ballot layout received from the State Board today. The State Board's sample ballot is a suggestion for the City Board, not a mandate. Mr. Ryan reported that there are some issues concerning the wraparound, combines, bolding, and mixed upper and lower case type. Mr. Richman provided background information on how the Board has constructed the gubernatorial ballot layout in the past. Mr. Ryan reported that the Ballot Unit is working closely with the ballot vendor and they are currently working on the "lower portion" of the ballot. They will then plug in the "upper portion" once the ballot layout is approved by the Commissioners. Commissioner Umane recommended to authorize the Commissioners' Ballot Layout Committee to be limited to delegating the approval for the layout of the ballot for Military and overseas voters only for the November 4, 2014 General Election. President Araujo moved to adopt Commissioner Umane's

recommendation. Commissioner Schulkin seconded the motion, which was unanimously adopted. Commissioner Schulkin inquired how many Military ballots will be mailed. Mr. Ryan stated that he will inquire and provide the total amount as soon as possible. Commissioner Flateau requested for a larger font size and prominent instructions on the front side of the ballot informing voters of the Propositions on the back of the ballot, if possible. There was a consensus among the Commissioners that they will try to enlarge the font size and have prominent instructions for the Propositions on the face of the ballot, if possible. Commissioner Umame recommended for the full Board to discuss the layout of the Election Day and Absentee ballots at the next meeting.

Mr. Ryan distributed copies of a report detailing the Board's voter registration outreach activities in the five (5) boroughs. He noted that the Commissioners can discuss any specifics with Ms. Fossella, the Coordinator of Voter Registration. Commissioner Flateau had inquired about the Board's outreach because the deadline to register to vote is October 10, 2014. Commissioner Umame requested for an equal amount of Democratic and Republican activities in the future, and to supply voter registration materials only, not Board staff. Mr. Ryan noted that the Board receives voter registration outreach requests from various groups and

communities throughout the City and the Board does not refuse any requests. Ms. Sandow noted that the Board also receives HAVA requests for the electronic voting machines to be set-up for hands on education. The Board's bi-partisan teams attend the voter registration outreach events with the machines to educate current and new voters.

Mr. Richman reported that in Federal Court today, Judge Townes denied the request for a Temporary Restraining Order to put candidate Lally on separate lines for the November General Election.

President Araujo recognized Alan Flacks, a member of the public, who spoke about uploading vs. downloading language, font vs. type language, certifying election returns, dress codes, and the recording of write-ins on the ballot.

President Araujo moved to convene an Executive Session for personnel matters. Commissioner Rendino seconded the motion, which was unanimously adopted.

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

- I. Jose Citron, a Trainer Assistant in the Executive Office, was granted 70 hours of time, as needed, and until exhausted.
- II. Commissioners directed that the Executive Director report back to them at a subsequent meeting, with regards to proposed personnel policies under discussion.

Commissioner Castorina 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, October 7, 2014 at 1:30 P.M.