

HEARINGS ON PRIMA FACIE MATTERS  
RELATING TO INDEPENDENT NOMINATING PETITIONS  
FOR THE NOVEMBER 5, 2013 GENERAL ELECTION  
AND THE MEETING OF THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, SEPTEMBER 3, 2013  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

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PRESENT:       President Frederic M. Umane  
                  Secretary Gregory C. Soumas

Commissioners Jose Araujo, Julie Dent, Michael Michel, Michael Rendino,  
Simon Shamoun, J.P. Sipp

Michael J. Ryan, Executive Director  
Dawn Sandow, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
Raphael Savino, Deputy General Counsel  
John Ward, Finance Officer  
Dorothy Delayo, Director, Personnel  
Troy Johnson, Coordinator, Candidate Records Unit  
Thomas Sattie, Associate Staff Analyst, Ballots/Candidate Records Unit  
Giacomo Kmet, Contract Attorney, Office of the General Counsel  
Anibal Luque, Contract Attorney, Office of the General Counsel  
Trevor Worrell, Administrative Associate, Manhattan Office  
Kenneth Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST:       Xanford Qie  
                  Aaron Maslow, for Jack Hidary  
                  James Williams  
                  Jeff Buley, for Joe Lhota  
                  Kate Doran, LWV  
                  K. Loving, CFB

Anna-Maria L. Thomas  
Eric Dixon  
Cathy Gray  
C. Keeling  
Giovanni Mejia, CFB  
Tom Kaplan, NY Times  
Sam Sloan  
David Seitzer, NYC Council  
Else G., DOI  
Andrew Bruschi, DOI  
Carolyn Sheehan, DOI  
Chris Oldenburg, CFB  
John D. Smith  
Monica Bartley, CIDNY  
Alex Camarda, Citizens Union  
Alan Flacks, Member of NY County Democratic Committee  
Sara Brecko, for Council Member Gale Brewer  
Alex Voetsch, NYDLC  
A.B. Britton  
Joan Thomas  
Jomo Williams

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President Umane called the meeting to order at 1:36 P.M.

President Umane announced that the Commissioners would conduct the Hearings on Specifications of Objections and Prima Facie Matters relating to Independent Nominating Petitions for the November 5, 2013 General Election. President Umane 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. He confirmed that the Calendar for the Hearings was posted to the wall for the public as required. No Specifications of Objections were filed.

Mr. Richman presented the Legal Prima Facie Report. Appearances by the candidate and/or their representative and the Commissioners' determinations are reflected on the Legal Prima Facie Report on file at the Board.

Mr. Johnson presented the CRU Prima Facie Report. Appearances by the candidate and/or their representative and the Commissioners' determinations are reflected on the CRU Prima Facie Report on file at the Board.

Mr. Richman reported that candidate Walter Iwachiw filed petitions containing hundreds of individuals' names and addresses with squiggly lines as their signatures which is potential fraud. He recalled that a referral for a potential fraudulent Designating Petition and related documents were

recently submitted to the New York County District Attorney's Office concerning Petition Volume NY 1301293 for Walter Iwachiw for Mayor. Mr. Richman recommended referring this matter as well. President Umane moved to refer this matter to the New York County District Attorney's Office. Commissioner Shamoun seconded the motion, with Commissioner Araujo abstaining. The motion was adopted. Commissioner Araujo noted that he abstained because he is the Court Examiner for Mr. Iwachiw's mother's guardianship and the case is still open.

President Umane opened the floor for questions and/or comments from Alan Flacks, a member of the public.

President Umane adjourned the Hearings and convened the regular stated meeting of the Commissioners.

President Umane moved to table the minutes of the August 27, 2013 meeting. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Mr. Richman presented issues regarding Names of Independent

Bodies for the November 5, 2013 General Election under Sections 6-138(3) and 7-106(11) of the NYS Election Law. A copy of his memorandum is in the agenda. Mr. Richman recalled that the Commissioners deferred consideration on Part 2 – Items #1 & #2 at the previous meeting for one (1) week. Based on the prior determinations and confirmed by several judicial determinations, it is the staff's recommendation that the Commissioners should determine that in each instance, the name selected for the independent body for the later filed petition creates confusion with the names of existing political parties or independent bodies whose petitions were filed first for the same office, and that the notice be issued forthwith to enable each of the candidates to select a name in conformance with the provisions of the NYS Election Law.

President Umane opened the floor for questions and/or comments from Aaron Maslow, Esq. representing Jack Hidary for Mayor.

President Umane moved for the Board to issue a notice to Part 2 - Item #1 independent body "Jobs, Jobs, Jobs" to change their name. Commissioner Araujo seconded the motion, with Commissioner Sipp opposing. The motion was adopted.

President Umane opened the floor for questions and/or comments from Aaron Maslow, Esq. representing Jack Hidary for Mayor, and Jeff Buley, Esq. representing Joseph L. Lhota for Mayor.

Jeff Buley, Esq. consented to change the name for independent body "Education First." Commissioner Araujo moved for the Board to issue a notice to Part 2 - Item #2 independent body "Education First" to change their name. Commissioner Michel seconded the motion, with Commissioner Sipp abstaining. The motion was adopted.

Mr. Johnson presented the draft Notice to All Candidates regarding the random draw for audit of Central Count Ballot Scanners for the September 10, 2013 Primary Election. Copies of the draft notice were distributed to the Commissioners. Mr. Johnson reported that the State Board recently added this audit of Central Count Ballot Scanners to their Resolution. He confirmed that the notice uses the same language as per past practice. Commissioner Dent moved to adopt the Notice to All Candidates regarding the random draw for audit of Central Count Ballot Scanners for the September 10, 2013 Primary Election. Commissioner Araujo seconded the motion, which was unanimously adopted.

President Umane opened the floor for questions and/or comments from Alan Flacks, a member of the public.

Mr. Ward presented the Comparative Expenditures Report dated September 3, 2013. A copy of the report is in the agenda.

President Umane announced that two (2) additional items were added to the agenda:

1. Challenge to a Voter's Registration
2. Appointment of Commissioners' Cover Sheet Review Committee

President Umane opened the floor for Trevor Worrell, an Administrative Associate at the Board's Manhattan Office, who challenges a voter's registration. Mr. Worrell submitted an affidavit concerning voter Mark Jackson, Registration #411467885, 560 W. 125<sup>th</sup> Street, New York, NY. This address is commercial; a C-Town Grocery Store is on the property. Mr. Worrell visited the site and asked the Manager of C-Town if anyone lives at the store's address and the Manager confirmed that no one resides at that address. Mr. Worrell confirmed that there are no apartments

on top of the store and that bi-partisan team investigated this voter's address. President Umane stated that this is a registration for one (1) voter in one (1) district. The districts surrounding this district have more than 500 voters so it is not eligible to be consolidated. This district would have to be staffed on Election Day for one (1) voter who does not live there. Mr. Worrell took the Oath to Challenge a Voter's Registration (Section 5-220 of the NYS Election Law) which was administered by President Umane. President Umane moved to cancel this voter's registration based on Mr. Worrell's report, affidavit and sworn statement. Secretary Soumas seconded the motion, which was unanimously adopted.

President Umane and Secretary Soumas were designated to serve on the Commissioners' Cover Sheet Review Committee which will meet immediately after the meeting to review Amended Cover Sheets that were filed in response to the last meeting.

President Umane opened the floor for comments and/or questions from Jomo Williams, a member of the public.

Commissioner Dent moved to adjourn the meeting. President Umane



seconded the motion, which was unanimously adopted.

President Umane reminded that Tuesday, September 10, 2013 is Primary Election Day. The next stated meeting of the Commissioners will be held on Tuesday, September 17, 2013 at 1:30 P.M.