

HEARINGS ON OPPORTUNITY TO BALLOT PETITIONS, AND THE
CONTINUATION OF DESIGNATING PETITION MATTERS
FOR THE SEPTEMBER 13, 2016 PRIMARY ELECTIONS, AND THE
MEETING OF THE COMMISSIONERS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, AUGUST 9, 2016
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Maria R. Guastella
 Secretary Frederic M. Umane

Commissioners Jose Araujo, John Flateau, Lisa Grey, Michael Michel,
Michael Rendino, Alan Schulkin, Simon Shamoun, Rosanna Vargas

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Georgea Kontzamanis, Operations Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Bilal Malik, Contract Attorney, Office of the General Counsel
Cali P. Madia, Contract Attorney, Office of the General Counsel
Zarije Asani, Law Student Intern, Office of the General Counsel
Zachary Shapiro, Law Student Intern, Office of the General Counsel
John Naudus, Manager, Electronic Voting Systems
Troy Johnson, Coordinator, Candidate Records Unit
Rayvon Weaver, Project Coordinator, Candidate Records Unit
Matthew Graves, Administrative Associate, Candidate Records Unit
Anthony Ribustello, Deputy Chief Clerk, Bronx Office
Brendaliz Candelaria, Deputy Chief Clerk, Bronx Office
Salvatore Barrera, Acting Chief Clerk, Brooklyn Office
Daniel Ortiz, Acting Deputy Chief Clerk, Brooklyn Office
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Steiner
 Jeff K.
 Katharine Loving, NYC Campaign Finance Bd.

Oswal & Heymann, for George Tskisheli
Monica Bartley, CIDNY
Anna Maria Thomas
Amanda Melitto, CFB
A. J. Ehrlich, for Markh
Nadelaine Piel, for Lenox Hill Dem Club
Barbara Parker, for Lenox Hill Dem Club
John Smith
Kate Doran, LWVNYC
Ethan Geringer-Sameth, Citizens Union
Alan Flacks, Member of NY County Democratic Committee
Jacqueline Faught

President Guastella called the meeting to order at 1:55 P.M.

President Guastella called the Hearings on challenges to Opportunity to Ballot (OTB) Petitions as well as the continuation of Hearings on Designation Petitions for State and Local Offices as well as Party Positions to be contested in the September 13, 2016 Primary Election.

President Guastella stated the procedures to be followed during the Hearings and called upon Mr. Richman to call the Calendar for the Hearings.

Mr. Richman called the Calendar for the Hearings on OTB petition matters. The Calendar was posted for the public as required.

Mr. Richman called the OTB Prima Facie Report. There were no appearances. The Commissioners' determinations are reflected on the OTB Prima Facie Report on file at the Board.

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

Mr. Richman called the Calendar for the continuation of Hearings on Designating Petition matters. The Calendar was posted for the public as required.

Mr. Richman called the Prima Facie Report for Bronx County. There were no appearances. The Commissioners' determinations are reflected on the Prima Facie Report on file at the Board.

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

President Guastella announced that under Section 4-114 of the New York State Election Law, today is the date established by law for this Board to certify the candidates that will appear on the September 2016 Primary Election ballot. In addition, Section 10-108 of the NYS Election Law directs this Board to distribute military ballots for the September Primary no later than Friday, August 12, 2016. Pursuant to those provisions of the NYS Election Law, Commissioner Grey moved that the Board authorize and direct staff to print and distribute military ballots and thereafter absentee ballots, based on the Board's determinations to date as to the candidates appearing on the September 13, 2016 Primary Election ballot for State and Local Public Offices and Party Positions. Commissioner Flateau seconded the motion, which was unanimously adopted.

Mr. Richman requested authorization from the Commissioners for the New York City Law Department to defend the Board if there are any challenges to their determinations. Secretary Umame moved for the New York City Law Department to defend the Board if necessary. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Secretary Umane moved to adjourn the Hearings and to convene the stated meeting of the Commissioners. Commissioner Vargas seconded the motion, which was unanimously adopted.

Mr. Richman requested for a Cover Sheet Review Committee to meet immediately after the meeting to review six (6) items. Secretary Umane and Commissioners Schulkin were designated as the Cover Sheet Review Committee.

Commissioner Flateau moved to adopt the minutes for the August 2, 2016 meeting. Commissioner Michel seconded the motion, with President Guastella abstaining. The motion was adopted.

Ms. Vazquez provided an update on the legally required 2016 Voter Information Notice. All notices were mailed between August 1, 2016 and August 5, 2016 as required. The breakdown by borough follows:

- Queens – Mailed on August 1, 2016
- Staten Island & Bronx – Mailed on Wednesday, August 3, 2016
- Brooklyn & Manhattan – Mailed on Friday, August 5, 2016

Ms. Vazquez provided an update on the Board's poll worker recruitment campaign. To date, the Board has received a total of 698 pre-printed poll worker applications from community boards/elected officials/post offices/libraries, 612 applications from CUNY, 438 applications from Facebook ads, and 1,375 applications from transit ads. Ms. Sandow reported that all of the poll worker applicants have already been contacted by staff and scheduled for poll worker training classes. President Guastella inquired about the replenishing of poll worker applications at U.S. Post Offices and NYC Libraries. Ms. Vazquez reported that there is contact information on the displays for those offices to contact the Board when inventory is low. Board staff replenishes the displays. Commissioner Araujo recalled that there was a change in the law concerning postage, and the Board switched from First Class Mail to Standard Class Mail which incurred a savings of approximately \$500,000.

Commissioner Araujo provided an update from the Commissioners' Ballot Committee. Based on numerous meetings with staff, he reported that the Committee recommends a one (1) page double-sided ballot instead of a two (2) page ballot. Mr. Naudus provided an overview of the cons of utilizing a two (2) page ballot. The information follows:

- Doubles the cost of the ballot;

- It takes 70% longer to run a 2-page ballot in the scanner;
- The Scanner's Ballot Bin Liner would get filled faster and would need to be changed throughout Election Day. This step would require "Special Instructions" for the poll workers as well as bipartisan Voting Machine Technician Teams to be deployed to poll sites to break the bin seals, change the liner, secure those ballots in the poll site, and then reseal the bin;
- Potential ballot jamming issues due to the perforated stub sheet on top of the 1st page, as well as the top of the 2nd page being torn off;
- Potential issues of voiding and reissuing ballots if it is ripped off improperly either by the poll worker or by the voter;
- Potential issues of voters forgetting to scan both ballot pages at the same time in the Scanner which would result in voiding and reissuing ballots;
- 2-page ballots would exceed 19" and would not fit properly in the Privacy Booth unless it is torn off. This could result in voters leaving a ballot page behind by accident;
- To test a 2-page ballot in the scanners, staff would need to test 1,000 – 1,500 ballot styles which would result in the Board

hiring and training temporary employees to assist in the ballot testing process.

Commissioner Grey inquired how the Board would educate voters about a one (1) page double-sided ballot. Ms. Sandow reported that Ms. Vazquez would issue a press release. In addition, the ballot would have enlarged “Flip Over” instructions and arrows, and signage/instructions would be placed in Privacy Booths and Privacy Sleeves. Commissioner Araujo recommended for the Board to approve the Commissioners’ Ballot Committee’s recommendation to use a one (1) page double-sided ballot for both the Primary Elections and General Election, when possible. Commissioner Michel seconded the motion, which was unanimously adopted.

President Guastella recognized Alan Flacks, a member of the public, who spoke about First Class Mail and Standard Class Mail delivery times, and Returned Mail costs.

President Guastella recognized Barbara Parker, a member of the public. Ms. Parker reported that she was a Democratic Alternate Delegate to the Judicial Convention, 76th Assembly District, New York County, who was inadvertently removed from the ballot last week. Ms. Parker reported

that notice was addressed to 500 Main Street, Apt. 750, New York, NY 10044, but her address is at 580 Main Street. Ms. Parker requested to be reinstated as a candidate. President Guastella directed staff to look into this matter further and to present all findings after Executive Session.

President Guastella moved to convene Executive Session for purposes of personnel and litigation. Commissioner Grey seconded the motion, which was unanimously adopted.

Following Executive Session, the regular stated meeting resumed.

Mr. Johnson reported that staff checked the petition and voter registration information of candidate Barbara Parker and confirmed that her address is 580 Main Street, Apt. 750, New York, NY 10044. This address matches the petition. Due to a clerical error, the candidate was inadvertently removed from the ballot based on CRU's Prima Facie Report. Based on documentary evidence, President Guastella moved for the Commissioners to reconsider the CRU Prima Facie Report finding removing her off the ballot because the address did not match the petition. Commissioner Grey seconded the motion, which was unanimously adopted. President Guastella moved for the Commissioners to restore

candidate Barbara Parker on the ballot. Commissioner Grey seconded the motion, which was unanimously adopted.

On behalf of President Guastella, Mr. Richman reported the following action that was taken in Executive Session:

- I. The Commissioners unanimously voted to establish six (6) new Voting Machine Technician titles, per Borough, three (3) per each Party, effective immediately.

Secretary Umane moved to adjourn the meeting. President Guastella seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, August 16, 2016 at 1:30 P.M.

