

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MARCH 10, 2015
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Michael Michel
 Secretary Bianka Perez

Commissioners John Flateau, Maria R. Guastella, Michael Rendino,
Alan Schulkin, Simon Shamoun, Frederic M. Umane

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Georgea Kontzamanis, Operations Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Valerie Vazquez, Director, Communications & Public Affairs
Nina M. Crispino, Director, Personnel
John Naudus, Manager, Electronic Voting Systems
Thomas Sattie, Ballot Coordinator, Candidate Records Unit
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV NYC
 Monica Bartley, CIDNY
 Timothy McCormic, Citizens Union
 Katharine Loving, CFB
 John D. Smith

President Michel called the meeting to order at 1:37 P.M.

Commissioner Flateau moved to adopt the minutes for the February 24, 2015 meeting. Secretary Perez seconded the motion, with Commissioners Guastella and Umame abstaining. The motion was adopted. Commissioner Umame noted that he abstained because he was not present at that meeting.

Commissioner Flateau requested to add a brief report of the Commissioners Committee on Communications, Voter Registration and Outreach meeting.

Mr. Ryan reported that the 100th Annual Election Commissioners Association (ECA) Summer Conference will be held on May 26, 2015 through May 29, 2015 in Cooperstown, NY. He requested permission to attend the Conference with appropriate staff members as well as any Commissioners who are interested. Commissioner Flateau moved to approve appropriate staff members, as well as any Commissioners interested, to attend the 100th Annual ECA Summer Conference. Commissioner Guastella seconded the motion, which was unanimously adopted.

Mr. Ryan reported on the ES&S National Advisory Board Meeting which was held on February 18, 2015 through February 20, 2015. It was a roundtable discussion with various users throughout the United States concerning any issues with the operations of elections, and for ES&S to discuss their vision moving forward to the future. Mr. Ryan reported that other users throughout the U.S. have similar situations with their election systems even though their jurisdictions are not greater than NYC. He noted that the meeting was very informative and helpful.

Mr. Ryan reported on the Board's Recommended Revisions to the New York State Election Law which will be discussed at the State Information and Educational Day scheduled on March 24, 2015 in Albany, NY. The Chairs of both the Senate and Assembly Election Committee agreed to be co-sponsors in a bi-partisan manner. Mr. Ryan requested to discuss an item concerning poll worker salary which would be a change to the Recommended Revisions. Last year, the Board put in a request at the City Council's Budget Hearing to increase poll worker and Coordinator salaries, but it was not carried through the budget process. Executive Management recommended petitioning to increase poll worker salary from \$200 to \$300 per election event, and \$300 to \$400 for Coordinator's salary. In 1997, poll worker pay increased from \$100 to \$130

by State Law, and then in 2001 it was increased from \$130 to \$200 by Executive Order, and Coordinator salary increased from \$200 by State Law to \$300 by Executive Order. The poll worker/Coordinator salary increases would cost an additional \$3.5 million per election event; Primary and General elections. There are approximately 2,400 Coordinators and 32,000 poll workers if there is 100% attendance. Ms. Sandow reminded that the Internal Revenue Service (IRS) takes taxes out of poll worker/Coordinator salary now which has resulted in a reduction in poll workers/Coordinators. After discussion, Commissioner Umame moved to include a proposal in the Recommended Revisions seeking Poll Worker/Coordinator salary increases, increasing poll worker salary to \$300 and Coordinator salary to \$400. Commissioner Flateau seconded the motion, which was unanimously adopted.

Mr. Ryan noted that Ms. Kontzamanis created a robust agenda for the State Information and Educational Day and Ms. Kontzamanis will follow-up the Board's invitation with telephone calls. Mr. Ryan reported that he did not change the Recommended Revisions content from last year and recalled that there was consideration to re-order the proposals. After discussion, Commissioner Flateau moved to eliminate Proposal #14-8 which is no longer needed, to move the Ballot Design proposal up to #1, to

move the Poll Worker Salary Raise proposal up to #2, and for the balance of proposals to be adjusted accordingly. President Michel seconded the motion, which was unanimously adopted.

Mr. Ryan recognized William Allen, the new Deputy Chief Clerk of the Manhattan Office. The Commissioners welcomed Mr. Allen to the Board.

Mr. Ryan requested to establish a date for the Hearings on matters relating to the May 5, 2015 Special Election. Commissioner Umane recommended scheduling the Hearings on Tuesday, March 17, 2015 at 1:30 P.M. with the regular stated Commissioners' Meeting immediately following. There was a consensus among the Commissioners. Mr. Richman reported that public notice will be posted on the Board's website and candidates will be notified.

Mr. Ryan reported on equipment deployment for the May 5, 2015 Special Election. There is a recommendation to increase the number of voters from 1,400 to 2,800 per scanner. This will reduce the number of scanners to be deployed. There is a recommendation to increase the number of voters from 300 to 400 per privacy booth, in EDs with less than 6,000 voters. These recommendations will result in a cost savings of

\$20,000. Commissioner Umame moved to approve Mr. Ryan's recommendations concerning equipment deployment for the May 5, 2015 Special Election. Commissioner Guastella seconded the motion, which was unanimously adopted.

Mr. Ryan briefed the Commissioners on Bill No. A. 1791, an act to amend Section 7-116 of the NYS Election Law concerning rotating of the names of primary candidates in each Election District (ED) on the new voting machines. The bill is sponsored by Assembly Member Dinowitz. There is no Senate sponsor. A copy of the bill is in the agenda. Mr. Ryan reported that this is an important issue for the Board because if Section 7-116 is amended the impact would result in many difficulties. Mr. Sattie explained that the amount of styles would increase from 841 to 4,444. Rotation creates a separate ballot configuration for each ED and staff has to conduct a comprehensive test deck for each of the ballot styles. Testing would be very time consuming, additional staff would be necessary, and funding for the test ballots would be needed. The current system cannot handle building the ballot if there is rotation. Mr. Sattie noted that if the bill was passed, the test decking would probably have to start two (2) months before the election, but a ballot could not even be built yet due to the petition cycle and hearings. Mr. Ryan noted that Section 7-104 refers

to ballots for the voting machine with a July 7, 2010 amendment, and Section 7-106 refers to Election Day paper ballots, with a July 7, 2010 amendment. Section 7-116 deals with the order of names referring to voting machines. If the Legislature's intent is for paper ballots an amendment should have been made. It does not refer to Election Day paper ballots. President Michel noted that it would be a tremendous task for Queens ballots which has five (5) languages. Commissioners Shamoun and Guastella recommended educating the Legislature on this matter.

Mr. Ryan reported that he inadvertently failed to report an action taken in Executive Session at the February 24, 2015 Commissioners' Meeting. The Commissioners unanimously approved the Memorandum of Agreement for the Union Local 1183 contract and it was signed by President Michel.

Commissioner Flateau provided a brief report on the recent meeting of the Commissioners Committee on Communications, Voter Registration and Outreach. In attendance were Commissioners Rendino, Shamoun and Schulkin. Ms. Vazquez circulated a proposal to the full Board concerning an outreach device that would house voter registration forms as required in different languages as part of a pilot outreach effort. The Campaign

Finance Board (CFB) staff briefed the Outreach Committee on their public outreach and they discussed collaborating in the future. Commissioner Shamoun noted that they focused on the 4.2 million voters on the rolls, addressing concerns on getting information to the voters before, and on, Election Day. Commissioner Schulkin thanked the civic groups who presented their ideas at the meeting.

President Michel moved to convene an Executive Session for purposes of personnel matters. The motion was seconded and unanimously adopted.

Following Executive Session, the public meeting resumed and Mr. Ryan reported the following actions taken in Executive Session:

- I. The Commissioners unanimously granted 140 hours Discretionary Advance of Time to Charlette Jordan, a Clerk in the Manhattan Office, retroactive to January 20, 2015;
- II. The Commissioners unanimously granted an Advance of Sick Leave to Tesha Thompkins, a Clerk in the Manhattan Office, retroactive to February 13, 2015;

- III. The Commissioners unanimously granted 140 hours Advance of Time to Rennie Hill, a Voting Machine Technician in the Manhattan Office;
- IV. The Commissioners unanimously granted 70 hours Advance of Sick Leave to Reginald Starke, a Voting Machine Technician in the Manhattan Office;
- V. Phillip Mione, a Computer Operator, is transferred from the General Office to the Queens Office, and Guy Ognibene, an Administrative Assistant, is transferred from the Queens Office to the General Office;
- VI. With respect to the Rosh Hashanah holiday conflict concerning the September 15, 2015 Primary Election, Mr. Ryan informed the Commissioners that he will be reminding the State Legislature of the conflict. It would be a Legislative decision to move the date of the election;
- VII. With respect to the NYC Conflict of Interest Board (COIB), the Commissioners authorized Mr. Ryan to promulgate and submit a list to the COIB of those employees and/or Commissioners that are required to report out their Conflict of Interest. Mr. Ryan will draft a cover letter which adequately protects the positions of the Board and will copy all of the Commissioners;

VIII. There is a vacancy in the Electronic Voting Systems (EVS) Unit which was advertised via New York Times and Monster.com and the Board received numerous resumes. Mr. Naudus, the Manager of the EVS Unit, conducted interviews which were narrowed down to two (2) candidates who were then interviewed by Executive Management. Mr. Ryan and Ms. Sandow made a recommendation today to hire Alexander Pilyavsky as Senior Systems Administrator/Programmer Analyst, with an annual salary of \$84,420, effective immediately, but subject to Mr. Pilyavsky's current employment and his departure date there from.

Commissioner Flateau moved to adjourn the meeting. President Michel seconded the motion, which was unanimously adopted.

Hearings on matters relating to the May 5, 2015 Special Election and the next stated meeting of the Commissioners will be held on Tuesday, March 17, 2015 at 1:30 P.M.