

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, OCTOBER 16, 2018 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Rosanna Vargas
Secretary John Wm. Zaccone

Commissioners Jose Araujo, Marie R. Guastella, Michael Michel,
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, Office of the General Counsel
Raphael Savino, Deputy General Counsel, Office of the General Counsel
Valerie Vazquez, Director, Communications & Public Affairs
Steven Guglielmi, Director, Personnel
Troy Johnson, Coordinator, Candidate Records Unit
Rayvon Weaver, Project Coordinator, Candidate Records Unit
Raquel Torres, Administrative Assistant, Candidate Records Unit
Margarita Lugo, Project Coordinator, Candidate Records Unit
Thomas Sattie, Associate Staff Analyst, Ballot Management
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: W. Newman, NY Times
Wendy Byrne, NYC LWV
Kate Doran, LWV
Amanda Melillo, NYC CFB
Evelyn Pepper
Alan Flacks, Member of NY County Democratic Committee

President Vargas called the meeting to order at 1:42P.M. via video teleconference.

Mr. Ryan requested to convene an Executive Session for litigation matters immediately following the Hearings.

President Vargas convened the Hearings relating to Prima Facie matters and Specification of Objections relating to the November 6, 2018 General Election. President Vargas 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. Mr. Denkberg called the Candidate Record Unit's (CRU) Prima Facie Report relating to the Independent Nominating Petition of Mary Tadeshe, Candidate for the New York State Senate in the 15th State Senate, Queens County, on the independent body "Independent Democrat Party". There were no appearances. The Commissioners' determinations are reflected on the CRU Prima Facie Report on file at the Board.

Mr. Richman called the Hearing on Specification of Objection RH14 relating to the Reform Party Certificate of Substitution for Judge of the

Surrogate's Court. Mr. Richman presented the Counsel's Report. There were no appearances. The Commissioners' determinations are reflected on the Counsel's Report on file at the Board.

Secretary Zaccone moved to adjourn the Hearings and convene Executive Session for litigation matters. Commissioner Umame seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed.

Secretary Zaccone noted that President Vargas left the meeting via video teleconference during Executive Session.

Commissioner Schulkin moved to adopt the minutes for the October 9, 2018 meeting. Commissioner Guastella seconded the motion, with Commissioner Shamoun abstaining. The motion was adopted.

Mr. Ryan reported on the ballot amounts for the November 6, 2018 General Election. Based on voter turnout in previous elections, staff recommended ordering 100% of Election Day ballots and 20% of Affidavit

ballots for the amount of registered voters. The font will be a 12 point size citywide. Four (4) out of the five (5) boroughs, Manhattan, Brooklyn, Queens and the Bronx, will have a 2-paneled perforated ballot. Queens and Brooklyn will have a four (4) sided ballot. Manhattan and the Bronx will have a three (3) sided ballot. Staten Island will have a single ballot sheet. Staten Island could supplement their ballot with the Ballot on Demand System, if needed. Mr. Ryan noted that this is a unique election with many contests as well as City Charter Commission questions which caused an increased size of the ballot. To prevent an unreadable 4 point font size, the ballot needed to be increased in size to 2-panels. Brooklyn and Queens have a 19" ballot which is a total of 38" before it is torn off on the perforation. Manhattan and Bronx have a 17" ballot which is a total of 34" before it is torn off on the perforation. Commissioner Michel noted that 19" ballots tend to jam more in the scanner and there may be issues on Election Day. Commissioner Umame noted that there may be a greater amount of voided ballots due to voter confusion and ballot jams, therefore, the Commissioners Ballot Committee had recommended ordering 100% for those potential issues. Commissioner Schulkin raised concerns about running out of ballots and recommended ordering 110% of Election Day ballots and 25% of Affidavit ballots. Mr. Ryan reported that if a poll site

runs out of Election Day ballots, the voters can vote by Affidavit ballot and Emergency ballot, if needed. In an extreme emergency, the Board's Ballot On Demand system can be utilized to print additional ballots. Commissioner Michel noted that there were concerns with the ballot bins filling up faster with the 2-paneled ballots. Mr. Ryan reported that each ballot bin can hold up to 1,400 paper sheets, and the poll workers are instructed to monitor the scanner's public counter's capacity every two (2) hours on Election Day. The AD Monitors will also check the ballot bins throughout the day. Ms. Sandow reported that if a ballot bin needs to be changed, a bipartisan team of poll workers will put them in the separate blue bag and seal it, marking it with their initials. The Commissioners inquired about ballot costs. Mr. Sattie reported that is approximately \$310,000 for every 10% of ballots ordered. Commissioner Schulkin moved to order 110% Election Day ballots and 25% Affidavit ballots. Commissioner Umane seconded the motion. Before a vote was taken by the Commissioners, Commissioner Shamoun noted that poll sites can share Election Day ballots, if needed, as long as the ED/AD has the same contests, and recommended ordering 20% Affidavit ballots. Commissioner Shamoun noted the Commissioners Ballot Committee tried very hard to fit all the contests and City Charter questions to get the maximum size onto a

one page ballot, but it was not possible for the November 6, 2018 General Election. The Board's election equipment and ballot scenarios will be looked into further in the future. Commissioner Schulkin accepted Commissioner Shamoun's friendly amendment to order 20% of Affidavit ballots. Commissioner Umane moved to order 110% of Election Day ballots and 20% Affidavit ballots for the November 6, 2018 General Election as amended. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Ms. Leible presented the Poll Worker Exceptions Report for the November 6, 2018 General Election for all boroughs. She reported that the Borough Commissioners previously approved their borough's Report and requested for ratification by the full Board of Commissioners. Commissioner Michel moved to adopt the Poll Worker Exceptions Report for the November 6, 2018 General Election for all boroughs. Commissioner Guastella seconded the motion, which was unanimously adopted. Commissioner Umane recalled that the full Board ratifies the Poll Worker Exceptions Report every election for a check and balance system.

Commissioner Schulkin requested to address the issue where many voters have been calling the Board very upset about letters they have received in the mail by Democracy NYC and inquired further about this matter. Mr. Ryan reported that Democracy NYC was established by the Mayor's Office and they have mailed letters to a total of 400,000 voters claiming they were inactive voters. Board staff looked up the voters who called the Board and it was found that they were not inactive voters. Mr. Ryan heard through reports that Democracy NYC paid for and received a voter list by a 3rd Party vendor, and the 3rd Party's information is not squaring up with the Board's information. According to the State Board's voter registration system, there are a total of 527,859 inactive voters which has been a consistent number for many months. The Board does not know which criteria were used by Democracy NYC for their letters. Commissioner Michel noted for the public that if any voter is inactive, they are eligible to vote by Affidavit ballot in their poll site which will be manually canvassed. The act of voting will reactivate the voter in the system. Mr. Ryan reported that one of the other concerns by the voters who called is that this letter was a scam and a form of voter suppression. Mr. Ryan noted for the public that voters can look up their voter registration information on the State Board's website which has accurate information or

they can call the Board. Mr. Ryan reported that Democracy NYC's letter also contained inaccurate information concerning language assistance. Democracy NYC's letter stated that the voters can be assisted in sixteen (16) languages. The Board services five (5) languages in NYC which is according to the law. Mr. Ryan reiterated that Democracy NYC's letter was not authorized by the Board in any form and the Board does not know which methodology the Mayor's Office used.

Secretary Zaccone recognized Amanda Melillo, the Director of Public Affairs at the New York City Campaign Finance Board (CFB), who spoke about Democracy NYC's letter because the CFB has been receiving many phone calls from voters as well.

Secretary Zaccone recognized Alan Flacks, a member of the public, who raised concerns about staff's knowledge about the Board's Exit Letter used on Election Night.

Secretary Zaccone moved to adjourn the meeting. Commissioner Guastella seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, October 23, 2018 at 1:30 P.M.