

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RULES, PRIVILEGES & ELECTIONS

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October 11, 2012
Start: 11:00 a.m.
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HELD AT: Committee Room
City Hall

B E F O R E:
JOEL RIVERA
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer
Leroy G. Comrie, Jr.
Elizabeth S. Crowley
Inez E. Dickens
Lewis A. Fidler
Vincent J. Gentile
Karen Koslowitz
Darlene Mealy
James S. Oddo
Christine C. Quinn
James Vacca
Albert Vann

A P P E A R A N C E S

Jose M. Araujo
Democratic Queens Commissioner
NYC Board of Elections

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2 CHAIRPERSON RIVERA: Good morning,
3 ladies and gentlemen, welcome to today's hearing
4 of the Committee on Rules, Privileges & Elections.
5 Before we begin, let me introduce the members who
6 are here with us today. We have Council Member
7 Leroy Comrie, Council Member Al Vann, Council
8 Member Inez Dickens, Council Member Lew Fidler,
9 Council Member Jimmy Vacca, Council Member Karen
10 Koslowitz, and we're joined by Council Member Gale
11 Brewer as well, and we also are joined by our
12 Committee staff, we have Chuck Davis, who is here
13 with us, Emerson Sykes, Yasmin (phonetic) Vega and
14 Alicia Vassil (phonetic). Today we will be
15 considering one candidate for appointment and a
16 change to the rules of the Council concerning
17 discretionary funding. Before us we have Jose M.
18 Araujo.

19 COMMISSIONER ARAUJO: Araujo.

20 CHAIRPERSON RIVERA: Araujo, sorry
21 about that. A Democrat in Queens. He is Queens
22 Democratic County Committee candidate for re-
23 appointment to the Board of Elections. If the
24 Council re-appoints Mr. Araujo, he will serve a
25 four-year term that begins on January 1st, 2013,

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2 and expires on December 31st, 2017. Welcome, Mr.
3 Araujo.

4 COMMISSIONER ARAUJO: Thank you.

5 CHAIRPERSON RIVERA: Will you
6 please raise your right hand to be sworn in?

7 COMMITTEE CLERK: Do you swear or
8 affirm that you will tell the truth, the whole
9 truth, and nothing but the truth?

10 COMMISSIONER ARAUJO: I do.

11 CHAIRPERSON RIVERA: Thank you very
12 much. Let me explain the functions of the Board
13 of Elections first. The Board of Elections
14 consists of ten commissioners, two from each of
15 the city's five counties, who are directly
16 appointed by the New York City Council. Not more
17 than two commissioners shall be registered voters
18 of the same county. Each commissioner serves a
19 term of four years, or until a successor is
20 appointed. Commissioners shall be registered
21 voters from each of the major parties in the
22 county for which they are appointed. The Board
23 and its commissioners are responsible for the
24 maintenance and administration of voting records
25 and elections. The Board also exercises quasi-

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2 judicial powers by conducting hearings to validate
3 nominating petitions of candidates or nomination
4 to elective office. The Board is required to make
5 an annual report of its affairs and its
6 proceedings to the New York City Council once
7 every 12 months, and no later than the last day of
8 January in any year. Commissioners receive a \$300
9 per diem for each day's attendance at meetings of
10 the Board or any of its committees, with a maximum
11 of \$30,000 per year. Do you wish to make any
12 opening statements?

13 COMMISSIONER ARAUJO: Yes, please.

14 CHAIRPERSON RIVERA: Perfect. Just
15 state your name for the record, and you may begin.

16 COMMISSIONER ARAUJO: Jose Araujo.
17 To the members of this Committee, I want to thank
18 you for bestowing upon me the honor of serving as
19 the Democratic commissioner for Queens County for
20 the past four years. During my tenure as
21 commissioner, and in accordance with the Help
22 America Vote Act, I took part in the transition
23 from a mechanical full-face lever voting machine
24 to a new system put in place today. It's been a
25 challenging transition, but one that I believe has

1 benefited the voters of the City of New York.
2 While the process is far from being completed, I
3 believe that I've taken the steps necessary to
4 allow the process to be open and transparent,
5 while at the same time working within the
6 parameters of the election law to insure the
7 integrity of the electoral process, and if re-
8 appointed I will continue to work to this end. I
9 thank you for my consideration for possible re-
10 appointment to this position. Thank you.

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12 CHAIRPERSON RIVERA: Thank you very
13 much. At this point in time we'll start asking
14 the questions. I'll just begin, do any of the
15 other Committee members have questions as well?
16 Gale, as well? First let me start off by asking,
17 many voters have complained about not receiving
18 adequate notice of poll site changes, what is your
19 assessment of the Board's current procedures for
20 notifying voters of poll site changes, and how
21 would you improve the Board's current practices
22 and procedures in order to insure that voters
23 receive adequate notice of poll site change?

24 COMMISSIONER ARAUJO: Currently the
25 Board is statutorily mandated to send out a notice

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2 to the public on or about August. That notice was
3 sent out. In addition, we sent out a notice where
4 the poll site changed for each voter after the
5 August mailing. I, along with my other
6 commissioners, just voted in a couple of weeks ago
7 to send an additional notice to those voters where
8 their poll site changed. So I believe we have
9 taken the steps necessary required by law, and
10 taken upon ourselves to mail out an additional
11 notice to the voters, so they are and will be able
12 to vote at the next general election.

13 CHAIRPERSON RIVERA: Okay, so now
14 there will be two notices sent out to voters about
15 any changes.

16 COMMISSIONER ARAUJO: An additional
17 notice, one additional notice.

18 CHAIRPERSON RIVERA: An additional
19 notice.

20 COMMISSIONER ARAUJO: One which is
21 being mailed out on October 19th.

22 CHAIRPERSON RIVERA: Okay, so one
23 for the primary and one for the November, is that
24 the way you've got it?

25 COMMISSIONER ARAUJO: One happened,

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2 a general notice was sent out in August, just
3 letting people know where their poll site was, and
4 then if their poll sites changed, then we sent
5 another notice to them, informing them, which
6 would be effective for the primary and the general
7 elections, and now we're sending an additional
8 notice only to those voters where their poll sites
9 actually changed.

10 CHAIRPERSON RIVERA: Okay, so
11 currently a person receives just a general notice,
12 and then if it's changed they get a secondary
13 notice before the September primary.

14 COMMISSIONER ARAUJO: Correct.

15 CHAIRPERSON RIVERA: And then now
16 you just voted in an--

17 COMMISSIONER ARAUJO: (Interposing)
18 An additional mailer.

19 CHAIRPERSON RIVERA: ... additional
20 mailer for the November, that seems to be enough,
21 to be able to address the issue. Now also,
22 obviously, city residents or voters can go online
23 to Board of Elections website and put in their
24 information, and it will be able to propagate the
25 information of where they should vote?

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2 COMMISSIONER ARAUJO: That's
3 correct, and also the BOE has just approved apps
4 for smartphones, for the Android Blackberry, which
5 will allow you to actually check on your
6 smartphone where you vote. The Board also has a
7 QR, we just approved a QRC, which is a "quick read
8 for codes", where we've designed certain ... in
9 certain locations, the voter will be able, with
10 their smartphone, zap in the code and be able to ...
11 and be taken to a website where they'll be able to
12 find out where they're able to vote.

13 CHAIRPERSON RIVERA: So you said
14 there's an application for the Blackberry and
15 Android?

16 COMMISSIONER ARAUJO: Android, yes,
17 and there's ... the one for the iPhone should be
18 coming out, if it has not come out already.

19 CHAIRPERSON RIVERA: I was going to
20 say, I'm an iPhone user myself.

21 COMMISSIONER ARAUJO: I as well, I
22 as well.

23 CHAIRPERSON RIVERA: And I believe
24 most city residents have IOS devices.

25 COMMISSIONER ARAUJO: Yes.

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CHAIRPERSON RIVERA: And
(crosstalk)

COMMISSIONER ARAUJO: And they have
... the app supports Spanish, obviously English,
Korean, Chinese and Bangladesh.

CHAIRPERSON RIVERA: So the app
will cover all the required languages.

COMMISSIONER ARAUJO: The required
languages, yes.

CHAIRPERSON RIVERA: Under the
current law? Okay, perfect. Now, I do have other
questions, but I want to give an opportunity to my
colleagues to ask questions. We'll first start
off with questions on behalf of Committee members,
and then we'll go into questions from non-
Committee members as well. We have Council Member
Inez Dickens.

COUNCIL MEMBER DICKENS: Thank you,
thank you, Chair. I'm going to follow up on the
Chair's question ... I want to follow up -- thank
you -- I want to follow up on my Chair's
questioning about sending out notices. Now at a
gov apps hearing, I asked the question of the
Board about sending out a notice prior to the

1 congressional, and they were not going to do it.
2 And there have been changes at that point because
3 of the redistricting on the congressional lines
4 where there were poll site changes and
5 consolidations, obviously. And yet there was a
6 lot of confusion and a lot of people had no idea
7 that there was an election. And I had asked that
8 question, and you said you were not going to send
9 out any notices until August. So, you know, and
10 that was a very important election. All elections
11 are important, and so I was very concerned about
12 that. But of course there was nothing that I
13 could do. That's number one of my question. And
14 the second part of my question is dealing with the
15 smartphone, and many of our seniors don't have
16 that capability, they sometime have a very simple
17 phone, they don't know how to work it, except to
18 answer it. They don't text on it, and so they're
19 unable to go on it to see where there are poll
20 site changes. So it's incumbent upon us as public
21 servants to notify and let the public know, not
22 only that there's an election, but exactly where
23 they should go to vote. May I please hear from
24 you on that?
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2 COMMISSIONER ARAUJO: I don't
3 disagree with that position, I believe all our
4 voters should be educated as to when there is an
5 election, and if there's definitely a poll site
6 change, they should be notified. Unfortunately,
7 we're bound by financial measures in whether or
8 not we have enough to make the additional mailing.
9 This year we were blessed to be able to do that,
10 and as such we did. I think whenever we're
11 presented with a poll site change and we have the
12 funding for it, we shall send a notice, at least
13 they'll always have my vote to send an additional
14 notice to the voters.

15 COUNCIL MEMBER DICKENS: And the
16 smartphone, because when you're looking at the
17 seniors, that's my concern, is many of our seniors
18 who actually do want to vote at every election,
19 you know, we can't expect them to look at the
20 smartphone application.

21 COMMISSIONER ARAUJO: Right.

22 COUNCIL MEMBER DICKENS: And think
23 that they're going to find out where they're going
24 to vote, because they're not.

25 COMMISSIONER ARAUJO: Well,

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2 whenever there is a poll site change, notice is
3 given to that voter.

4 COUNCIL MEMBER DICKENS: And
5 because there is ... and I understand the issue
6 about economics, but is it possible that maybe you
7 could begin to send out some of the BOE employees
8 that could go into consolidated senior centers
9 where you could have a meeting of several senior
10 centers and tell them where, you know, tell them
11 where they're going to vote? And because there's
12 a lot of confusion, on election day my chair of
13 GOVOT got a letter from someone that's involved in
14 my community who went and who's been voting from
15 that address at a site for years, and then when
16 she showed up in June, they said they didn't have
17 her card.

18 COMMISSIONER ARAUJO: Well,
19 definitely, I will definitely bring that back to
20 my fellow commissioners and within my own borough.
21 I know we do a lot of voter outreach, so we could
22 definitely speak on that issue as best as
23 possible.

24 COUNCIL MEMBER DICKENS: All right,
25 thank you so much. Thank you, Mr. Chair.

COMMISSIONER ARAUJO: Thank you.

CHAIRPERSON RIVERA: Thank you very much, Inez Dickens, I think those are very valid points, I think she does make sense to reach out to senior centers and to seniors, to make sure that they're aware of any changes. We have a number of Committee members who want to speak, so we'll go to Council Member Lew Fidler next.

COUNCIL MEMBER FIDLER: Thank you, Mr. Chairman, and good morning, Commissioner.

COMMISSIONER ARAUJO: Good morning.

COUNCIL MEMBER FIDLER: Following up on what Council Member Dickens just said, you said in your response that was somewhat troubling to me. When a polling place is changed, it's a matter of law that you have to send out a notice, am I correct?

COMMISSIONER ARAUJO: That's correct.

COUNCIL MEMBER FIDLER: And you said you couldn't afford it, all right, so you didn't do it.

COMMISSIONER ARAUJO: No, we sent the notice, what we were dealing with was an

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2 additional notice, above and beyond what was
3 mandated by statute. So the initial notice of the
4 change of poll site was made pursuant to the law.

5 COUNCIL MEMBER FIDLER: Well, I can
6 only imagine that it must have not been terribly
7 clear, so I'm not sure who is designing those
8 notices. I know that I received a notice and it
9 created the impression that I had an election, a
10 primary election, to vote in, and you know,
11 actually, you know, I'm pretty well-informed about
12 the politics in my community, and I had to, you
13 know, think about it and research it a little bit
14 to realize that, no, I didn't. And so, you know,
15 I realize it's somewhat difficult, but I think
16 that you ought to take back to the commissioners
17 that there's a certain lack of clarity. Second,
18 along the same lines, and I am very concerned
19 about the Board not doing things that the law
20 requires because they can't afford, or they're
21 just physically unable to do them. We just had a
22 judge reach a decision on the Independence Party
23 primary in the 45th Assembly District in Brooklyn,
24 where the judge said this is a classic case where
25 a new primary should have been held. Like a third

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2 of the people who voted were given incorrect
3 ballots. And it just, you know, he said he
4 absolutely had never seen a case where it was
5 clearer that the law mandated a new primary. And
6 yet he didn't order it, because he felt the Board
7 of Elections couldn't do it. That's very
8 troubling, and I'd like to know if you have any
9 perspective on how the Board's going to deal with
10 those issues, because, you know, either the law
11 has got to change, or the Board has got to be able
12 to do it.

13 COMMISSIONER ARAUJO: Well, I think
14 it's a combination of two factors: one, the law
15 definitely does have to change to catch up with
16 the technology; but I think us as the Board, as we
17 stand here today, we just have to better train the
18 poll workers and insure that the right ballots are
19 given to the right people in the right contests.
20 Now, we do vigorously train our poll workers,
21 unfortunately sometimes the poll workers that we
22 train don't show up on election day and we put in
23 stand-bys, who are also trained, so we do take
24 steps. And after an election where there are
25 issues with certain coordinators or inspectors, we

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2 bring them back in for retraining, and if they
3 don't work out, at least I've taken the position
4 in my county that they're not permitted to work
5 again.

6 COUNCIL MEMBER FIDLER: Well, and
7 that kind of gets us to, you know, the next
8 question, which is the technology that you are
9 using is mind-boggling to me, at this day and age
10 when my iPad and my iPhone can do things that
11 computers that you use to get results with can't.
12 What is going to be done to make the process of
13 closing the polls something that, you know, looks
14 like, you know, something that belongs in the year
15 2012 and not something that belongs in the year
16 1812? Those long strips of paper which, you know,
17 multiple ED's, and I mean, the inspectors barely
18 understand what to do with them, have you improved
19 your methodology and what can you do to bring the
20 software into line, so that we can get results in
21 a timely fashion?

22 COMMISSIONER ARAUJO: Well, as a
23 committee member to various subcommittees, one
24 dealing with election night procedures, I, along
25 with a few of my subcommittee members, have

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2 actually put forward to the full commission, and
3 it was actually adopted and approved on July 17th
4 of 2012, to look into and begin the process in
5 having the law changed as it relates to
6 electronically transmitting the results on a
7 close-up poll. This would circumvent the poll
8 workers from printing out the team sheets and
9 doing our current canvassing procedures. They're
10 in the process of making drafts to the law and
11 seeing whether or not the technology will be able
12 to do that, and it's my understanding that it can.
13 However, the way the law is written right now, it
14 specifically prevents that. So I think with that
15 happening, and if it does happen, election night
16 will be a lot faster, more accurate, if not
17 accurate, the way it is now, we will be able to
18 close a poll site within an hour or two after nine
19 o'clock. And it's my understanding that other
20 counties in the United States actually use this,
21 and they have results within an hour.

22 COUNCIL MEMBER FIDLER: Well, it's
23 certainly a shame that we're trailing the rest of
24 the nation in something as simple as that, I
25 applaud the fact that you are looking to take that

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2 step, and I hope you will be able to get it done
3 and get whatever funding is necessary to go along
4 with it. I don't want it to be mandated upon you,
5 and then you have to come back and say, we
6 couldn't do it, because we didn't have the money.
7 You know, along those same lines, the law
8 requires, requires, that the Board of Elections
9 certify the results of delegates and alternates to
10 judicial conventions first. This year, I don't
11 know how the other counties dealt with it, the law
12 also prescribes when those judicial conventions
13 must happen. Brooklyn came within a hairbreadth
14 of not having a Democratic slate for the supreme
15 court because the certification that we received
16 from the Board of Elections was blank. And the
17 answer we got from counsel was, you just couldn't
18 do it. Is that a technology issue, a staffing
19 issue, a desire issue, a financial issue? Because
20 it cannot happen again.

21 COMMISSIONER ARAUJO: Right. Well,
22 it definitely wasn't a desire issue, there's no
23 desire by the Board of Elections to delay anything
24 that has to do with the vote. I think it may be a
25 combination of lack of employees and just the

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2 necessary time to do all the functions that the
3 Board must do prior to certifying an election,
4 which includes the audits. I believe in Brooklyn
5 it was some particular issues where there may have
6 ... there was within a half a percent and that--

7 COUNCIL MEMBER FIDLER:

8 (Interposing) Well, that was a district leader
9 race. I'm talking about, I mean, for which there
10 is unfortunately all the time in the world, I know
11 a little bit about recounts, and this was judicial
12 delegates, delegates to the judicial convention,
13 which by law come first.

14 COMMISSIONER ARAUJO: But they were
15 all on the same ballot.

16 COUNCIL MEMBER FIDLER: No, they
17 were ... you know, there were some that were
18 involved in the 50th Assembly District.

19 COMMISSIONER ARAUJO: Right.

20 COUNCIL MEMBER FIDLER: The
21 district leader election was, but we had
22 uncertified results in a number of assembly
23 districts where there were contested races for the
24 judicial convention. So I mean, the only people
25 that we knew had a right to sit, you know, were

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2 those that were uncontested. And you know, as to
3 the remainder, we allowed everyone to sit, allowed
4 everyone to vote, you know, had to exceed the
5 quorum by more than the number of voters that were
6 in question, so that the commission would be
7 legitimate.

8 COMMISSIONER ARAUJO: Right. Well,
9 I don't think we're capable, or that we can even
10 pull information from one race just to allow a
11 certification. I'm not sure, I'm not specific on
12 that.

13 COUNCIL MEMBER FIDLER: Well, then
14 that ... then either the law has got to change, the
15 deadline has got t change, or you've got to
16 change. And I want to call that to your attention
17 as a commissioner, it's a problem that has to be
18 addressed, someday, somewhere, sitting judges of
19 the supreme court are going to be denied the
20 renomination of their party because this is
21 happening, and someone doesn't get it done right.
22 And that would be, you know, incredibly unfair to
23 everybody. And the last question I want to ask
24 you goes to something that unfortunately I had
25 some very personal experience with, and that is

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2 the ability to people to game the process of
3 absentee ballots. I don't know if you are
4 familiar with the lawsuit that transpired after my
5 ill-fated state senator race, but essentially the
6 testimony in that case was that someone who was
7 working for my opponent went around and, you know,
8 picked up, you know, several hundred absentee
9 ballot applications, filled them out for several
10 hundred voters, brought them down, whether or not
11 they were technically eligible to be absentees or
12 not, picked up the ballots, brought the ballots to
13 the people, filled ... had them filled out, put them
14 back in the envelope and brought them back to the
15 Board of Elections. And in my particular case,
16 the number of ballots in question was ten times
17 the margin of difference in the election. The
18 election law technically prohibits that practice,
19 the Supreme Court, you know, found that there was
20 no adequate remedy after the fact. What is the
21 Board going to do to make sure that this doesn't
22 become a common practice, okay, where campaigns
23 realize that they can collect hundreds of votes
24 before election day, which is a practice that New
25 York State election law does not permit?

2 COMMISSIONER ARAUJO: Well, I think
3 the Board of Elections will at least under my
4 tenure always enforce the laws, and if the law
5 does not permit that, then it shall not continue.

6 COUNCIL MEMBER FIDLER: I don't
7 think it's an issue of your attention, it's what
8 checks and balances can you put into the process,
9 I mean, you know, the notion is that when someone
10 brings an absentee ballot, the time to object to
11 it is at the time of application. So, you know,
12 the only way my campaign could have stopped it
13 would have been by having someone sit at the Board
14 of Elections for the three weeks before and
15 question every absentee ballot application that
16 came in, right?

17 COMMISSIONER ARAUJO: Well, every
18 application--

19 COUNCIL MEMBER FIDLER:
20 (Interposing) So what, you know, it's kind of a
21 red flag when someone picks up 300, and then
22 brings back 180 ballots. I mean, what can you do,
23 because by the time those people have voted, well,
24 it's not fair to the voters, right, to
25 disenfranchise them, having thought, innocent as

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2 they were, that they cast a legitimate vote. They
3 don't go out to vote in the election. You know,
4 what steps can you put in place, and if you
5 haven't given it any thought, I understand that,
6 but the fact of the matter is, you know, this
7 having been litigated, and a judge having kind of
8 said, there's really nothing for me to do, the
9 only way to stop this now is for you to figure out
10 a way to enforce the law.

11 COMMISSIONER ARAUJO: Well, I'll
12 definitely look into it.

13 COUNCIL MEMBER FIDLER: Thank you.

14 CHAIRPERSON RIVERA: Thank you very
15 much, Council Member. We have other members who
16 want to ask questions as well, and we're going to
17 try to limit the amount of questions, because we
18 do have another item on today's agenda as well, we
19 have Council Member Comrie is next, and then
20 followed by Council Member Koslowitz. We've also
21 been joined by Council Member Liz Crowley and
22 Council Member Vince Gentile.

23 COUNCIL MEMBER COMRIE, JR.: Thank
24 you. Good morning.

25 COMMISSIONER ARAUJO: Good morning.

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2 COUNCIL MEMBER COMRIE, JR.: I just
3 want to say that I've had the opportunity to work
4 with you since you've been elected to the
5 position, or put in, nominated for the position, I
6 want to say that you have been trying to do
7 outreach, and I've seen you at many community
8 meetings, trying to let people know about what you
9 do as a commissioner at the Board of Elections.
10 As you know, in Queens we have a lot of sites that
11 were moved because of the ADA regulations and a
12 lot of my constituents and constituents all over
13 the borough were complaining that the new sites
14 took them traditionally out of their neighborhoods
15 to go vote. What is the Board of Elections doing
16 to correct that situation?

17 COMMISSIONER ARAUJO: Well, I
18 personally, along with the voting technician
19 director at the general office, have had
20 discussions about using Federal funds in our
21 control to make some of these non-ADA compliant
22 facilities compliant. So we've taken that
23 additional step, we're looking into making those
24 steps, and there's other steps that the Board is
25 trying to make to have these poll sites re-

1 designated into poll sites.

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3 COUNCIL MEMBER COMRIE, JR.: And
4 will they be re-designated before this November
5 election?

6 COMMISSIONER ARAUJO: No. No, some
7 of the changes that have to be made are permanent
8 changes.

9 COUNCIL MEMBER COMRIE, JR.: So the
10 changes that are required for the November
11 election, you said you're sending out a second
12 notice to people for ... on October 16th about the--

13 COMMISSIONER ARAUJO: (Interposing)
14 October 19th.

15 COUNCIL MEMBER COMRIE, JR.: Oh,
16 October 19th?

17 COMMISSIONER ARAUJO: Yes.

18 COUNCIL MEMBER COMRIE, JR.: And
19 will they clearly indicate that this is their new
20 poll card and that this site is a different site
21 than they voted at before? Because a lot of
22 constituents were confused because they didn't
23 clearly indicate their poll site, even though it
24 had the new EDAD on it, it wasn't clear, the part
25 about the poll site that they ... or the actual

1 school or entity that they were sending.

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3 COMMISSIONER ARAUJO: Right. It's
4 my understanding that the mailer is specific to
5 inform the voter that the poll site is actually
6 changed. So it would provide them with the
7 relevant information that they need to know where
8 their new poll site is.

9 COUNCIL MEMBER COMRIE, JR.: And
10 will it be ... will they be able to use it as an ID
11 card? Because a lot of folks did not feel that
12 the August mailing was a real ID card, and they
13 threw it away. You know, this card that you take
14 in, that you used to send out to people in the
15 mailing? Will they have an opportunity to look
16 like a poll site card that they can show to a poll
17 worker?

18 COMMISSIONER ARAUJO: Well, I'm not
19 sure, I think it's coming in ... I'm not sure if
20 it's coming in as a mailer, but it will have
21 indication that it is officially from the Board of
22 Elections. Now, what I can do is, I could speak
23 to my borough and ask them in the training
24 classes, which are going on now, that they are
25 specifically notified that the voters are getting

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2 additional notification, as they show up with that
3 notification, to treat it, as you say, as an ID
4 card.

5 COUNCIL MEMBER COMRIE, JR.: Well,
6 I was going to suggest that if they haven't
7 designed it yet before the mailing, they have,
8 unfortunately, that they actually add to the
9 wording at least that they could take the paper in
10 and show it to the election workers, so that they
11 can use it as a poll site ID, because a lot of
12 folks with the PDAD changes, some people changed,
13 their assembly or senate districts changed, so a
14 lot of folks are confused about where they were
15 supposed to go and what ... who they were actually
16 voting for, because if that could be put on there,
17 that would be important. I have to ask you,
18 what's the status of hiring a deputy at the Board
19 of Elections?

20 COMMISSIONER ARAUJO: Well, as of
21 right now we've only ... to my understanding we've
22 only received six resumes, they have not been
23 presented to the full Board for any type of
24 consideration. I'm not sure that any of the
25 resumes provided meet the qualifications that we

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are looking for.

COUNCIL MEMBER COMRIE, JR.: Was a formal search done, or a request ... was a search done to ask for a deputy or how did the resumes come in? They--

COMMISSIONER ARAUJO: (Interposing) Just from the general public.

COUNCIL MEMBER COMRIE, JR.: Just for ... there was no--

COMMISSIONER ARAUJO: (Interposing) Yes.

COUNCIL MEMBER COMRIE, JR.: There was no definite search or request for ... because I can't imagine in this economy, with so many people looking for opportunities, that if there wasn't a formal search put out you would have 200-300 resumes that would come in.

COMMISSIONER ARAUJO: Right.

COUNCIL MEMBER COMRIE, JR.: So I would suggest that there was ... that there would be a formal request, have a formal search done and a notification that you're looking for someone and that would definitely expand the pool of eligible people that would be qualified to be deputy

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2 director for that opportunity.

3 COMMISSIONER ARAUJO: I will
4 address that with my fellow commissioners, it will
5 require a vote of the majority of the
6 commissioners, however I will bring it up to them.

7 COUNCIL MEMBER COMRIE, JR.: I hope
8 that that can be done at the next meeting. I
9 think that with everything that you're facing, as
10 far as trying to upgrade the system, that you need
11 someone there that can help you with it, that
12 would probably have a grasp of what other
13 communities have been doing as well, especially to
14 improve some of the things that some of the other
15 members talked about. This is the last question
16 that I wanted to talk about. You touched on it
17 briefly, but the election workers on election day,
18 you're starting the training again for that, and
19 is there a general number, or how are they being
20 outreached to let them know that they need to come
21 back for additional training?

22 COMMISSIONER ARAUJO: We at the
23 Board actually call them and send out letters to
24 them, informing them of the training, and actually
25 try to schedule them within their schedules, to

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2 night classes, day classes.

3 COUNCIL MEMBER COMRIE, JR.: Are
4 you going to be able to ascertain prior to the
5 election that you're going to have enough workers
6 to be at the polls? Because we expect that the
7 November election turnout will be much higher than
8 in the primaries, because of the national
9 election, and we want to make sure that in all
10 communities people won't have a two- or three-hour
11 wait, so what is the Board of Elections going to
12 do to insure that you have the right amount of
13 poll workers turning out, and if you have every
14 poll site fully covered?

15 COMMISSIONER ARAUJO: In addition
16 to just the general notification informing people
17 of their work, I know that in Queens County we
18 actually try to contact the coordinators, to reach
19 out to the inspectors to make sure that they're
20 coming in, and to call us and let us know if
21 they're not, so that we start working on getting
22 standbys in. I know I will be giving my approval
23 to my chief and deputy to add extra standbys at
24 poll sites, with the understanding that it may be
25 ... well, it will be a heavily-attended election.

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2 COUNCIL MEMBER COMRIE, JR.: And
3 have you looked at the trends or the 2008 numbers
4 to make sure that they would have the right amount
5 of personnel at the poll sites in 2012? Because
6 if they go by the last election in 2010, then you
7 won't have enough personnel on board, so I'm just
8 wondering what standard are you using to assign
9 poll workers for the general election?

10 COMMISSIONER ARAUJO: Just so you
11 know, the poll worker department does look at the
12 last general election, and it tries to keep it
13 within the parameters of the amount of workers,
14 and if needed, they will be presenting an
15 exception report asking for additional workers.
16 It's my understanding that they will be doing
17 that.

18 COUNCIL MEMBER COMRIE, JR.: Do
19 they look at the last presidential election or the
20 last--

21 COMMISSIONER ARAUJO: (Interposing)
22 Yes they do.

23 COUNCIL MEMBER COMRIE, JR.: They
24 look at the last--

25 COMMISSIONER ARAUJO: (Interposing)

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Yes they do.

COUNCIL MEMBER COMRIE, JR.: All right, thank you. Since my Chair is looking at me, I won't ask the other 20 questions I wanted to ask.

COMMISSIONER ARAUJO: Thank you, I thank you.

CHAIRPERSON RIVERA: No, I was just very intrigued by your questions.

COUNCIL MEMBER COMRIE, JR.: All right, thank you.

CHAIRPERSON RIVERA: Thank you, Council Member Comrie, we have Council Member Koslowitz is up next.

Cx25 I don't have any questions, I just want to make a statement. I know that Mr. Araujo has been very responsive to any time we have a problem or a question, and I know the Board that he oversees also I get many calls from them telling me what I have and what I don't have at the election. So I just want to say to you, that thank you for all of the work that you do.

COMMISSIONER ARAUJO: Thank you.

Cx25 And how responsive you are to

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2 all of us.

3 COMMISSIONER ARAUJO: Thank you,
4 I'm here to serve, thank you.

5 CHAIRPERSON RIVERA: Thank you very
6 much, Council Member, we saved the best for last,
7 and we know that Council Member Brewer has a
8 significant depth of knowledge when it comes to
9 the Board of Elections, based on her Committee
10 chairmanship, so at this point I turn it over
11 towards Council Member Brewer to ask her line of
12 questions.

13 COUNCIL MEMBER BREWER: Thank you
14 very much. I don't think I have as much as some
15 of you, but I'm certainly trying, and I just want
16 to mention, thanks to the Board and DOITT we do
17 have a sample ballot, because in addition to the
18 poll selector you can get a sample ballot, and I
19 guess my question is, do you know when the date is
20 when the website will be updated so that those
21 two, which I think are the heavily-used, will be
22 more noticeable on the Board's website? The
23 sample ballot and the poll selector?

24 COMMISSIONER ARAUJO: I don't have
25 a date for you, I think the ballots are still

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2 being built. However, I will get that information
3 to you.

4 COUNCIL MEMBER BREWER: Okay. Next
5 is, just picking up on some of the questions, but
6 a larger one, I mean, do you have some
7 improvements that you as a member, and again I
8 know you have to work with your fellow members,
9 would like to see? Are there some priorities that
10 you're looking at as a Board member? And I know
11 you participate, and I know that you work hard,
12 but are there some big overall pictures that you'd
13 like to see happen?

14 COMMISSIONER ARAUJO: For me, it's
15 more of an issue of really changing the election
16 law to meet the technology. I think that's
17 crucial in order to continue providing the voters
18 of the City of New York with the open transparency
19 and necessity to be able to ... be able to put their
20 faith in the Board of Elections, and I think that
21 ... to me that's the most important thing, and at
22 least since I've been there, I've tried to make
23 that one of my goals.

24 COUNCIL MEMBER BREWER: Okay, and I
25 know one specific, because we all go to the paper

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2 books, but I'm hoping that iPads or some other
3 technology there, real technologists on this
4 Committee, there's the Chair over there, Council
5 Member Rivera. But the issue is, how do you for
6 instance look at changing the books that we all
7 glance at, look for, try to find an address, when
8 we could do it with an iPad quicker? So would
9 that be an example of something both training-wise
10 and technology-wise would make sense for the
11 future?

12 COMMISSIONER ARAUJO: To me it
13 does. Actually about three weeks ago I made the
14 same comment to my fellow commissioners that we
15 should look into that. A presentation was made
16 before us of the AD monitoring teams that we're
17 sending out using the iPads, and I threw the
18 question out, maybe we should expand it to allow
19 us, because I know one of the issues is the street
20 finder, making it easier. I do know that we're
21 working on something that will make things a lot
22 easier when it relates to the street finder.

23 COUNCIL MEMBER BREWER: Okay.
24 There are a lot of people registering to vote,
25 thank goodness.

COMMISSIONER ARAUJO: Yes.

COUNCIL MEMBER BREWER: Like a 100,000 a week plus I think 16,000 coming in from the Department of Motor Vehicles, thanks to the Governor. How are you going to, as a Board, get all of those names into the correct location in the books in a speedy manner?

COMMISSIONER ARAUJO: Just this week we gave the approval to Dawn Sandow to use an agency and give us additional people to input the information.

COUNCIL MEMBER BREWER: All right, so you think that will work. It's good to do that, but will that work?

COMMISSIONER ARAUJO: That, in combination with all non-essential tasks being diverted to voter registration and inputting the information, and some overtime, yes.

COUNCIL MEMBER BREWER: All right, I know that the district leaders do as good a job as they can, what's the combination between the district leaders, the Board of Elections and outreach to really staff with quality individuals at the polls?

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2 COMMISSIONER ARAUJO: Well, it's
3 always been--

4 COUNCIL MEMBER BREWER:
5 (Interposing) This is a problem.

6 COMMISSIONER ARAUJO: Right, it
7 definitely is a problem, and it's always been my
8 position in my county, and I expressed this to my
9 fellow commissioners, that we need to put the best
10 people forward. And where, as I said before,
11 where I have come across where a worker is not
12 working out, I've removed them, or I've prevented
13 them from being assigned to a poll site. And I
14 think I have to continue that and express that my
15 fellow commissioners do the same in their
16 boroughs. And I've asked the district leaders to
17 really review the applications and look at the
18 people and look at the situations that they're
19 putting these poll workers in, and make a
20 determination of whether or not it's the right
21 candidate for that position.

22 COUNCIL MEMBER BREWER: Do you
23 think it's a good idea for city workers to be able
24 to staff the polls at election time? I believe
25 there's a bill pending on that topic.

2 COMMISSIONER ARAUJO: I do believe.

3 COUNCIL MEMBER BREWER: Absentee
4 was brought up, and Council Member Fidler was far
5 more articulate. But just so you know, I've had a
6 couple of friends who are legitimately going to be
7 out of town on election and have been going to the
8 offices to fill out absentee. They say it's a
9 very ... I haven't seen it, they say it's very
10 confusing. Is the Board overlooking, or looking,
11 or reviewing how the absentee ballot is written?
12 I don't know why people are telling me that, but
13 they are.

14 COMMISSIONER ARAUJO: I think the
15 Board is constantly looking at ways we can make
16 changes. I do--

17 COUNCIL MEMBER BREWER:
18 (Interposing) Have you seen the absentee ballot
19 this session, this election, coming up for
20 November?

21 COMMISSIONER ARAUJO: I've seen an
22 absentee ballot that we used for the special
23 election, I have not come across the absentee
24 ballot for the general election as of yet.

25 COUNCIL MEMBER BREWER: Okay,

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2 because I think somebody should look ... apparently
3 it is not easy to understand, and I have some
4 pretty smart constituents, like we all do. ADA,
5 it was brought up earlier, it's an okay answer,
6 but it's a huge problem. Council Member Dromm has
7 brought this to my attention over and over again,
8 and others have. How specifically, you know, how
9 many poll sites have been moved so that ... and that
10 are causing a hardship? I mean, is it just a
11 couple? It's my impression that it's a lot. In
12 other words, how many were eliminated because of
13 ADA, and how many will then be a longer walk for
14 the seniors who have walkers, and who can't walk
15 the mile that others might be able to, or even
16 half a mile? So how do you determine if an ADA
17 eliminates a site, how do you determine how far
18 it's going to be, etc.? Because this is a huge
19 hardship.

20 COMMISSIONER ARAUJO: Well, we ...
21 the Board sent out surveyors to go to these sites
22 and see if they're ADA -compliant.

23 COUNCIL MEMBER BREWER: Do you ever
24 call the community board or the elected officials
25 to say, can you help us?

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2 COMMISSIONER ARAUJO: Yes. I've
3 specifically spoken to some of our representatives
4 from Albany on specific poll sites, and I've been
5 working along with Robert Pataki from my office
6 closely with some of our legislators on that
7 issue, and I've asked them if they could possibly
8 look into earmarking additional funds to make
9 permanent changes to some of these sites.

10 COUNCIL MEMBER BREWER: All right,
11 I mean, I don't know if that Federal money is
12 going to work, but it is really a problem.

13 COMMISSIONER ARAUJO: Right.

14 COUNCIL MEMBER BREWER: My other
15 question is, on terms of closing the polls, of
16 course the best would be to have a separate laptop
17 at the poll site take the PMD, memory stick, flash
18 drive, whatever you call it, and move it from the
19 scanner to the separate laptop and send it in. Do
20 you know how far we are from that possibility?
21 And then of course for the public who's there
22 watching to see to be able to show up on the
23 screen what the numbers are, how far are we from
24 that type of procedure?

25 COMMISSIONER ARAUJO: I can't

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2 answer that question, Council Member Brewer, I'd
3 have to look into it. I think we look at any and
4 all options that we have, specifically where we're
5 at with the separate laptops, I do not have a
6 response to that.

7 COUNCIL MEMBER BREWER: Okay.

8 COMMISSIONER ARAUJO: However, I
9 will get that to you.

10 COUNCIL MEMBER BREWER: All right.
11 And then do you have some notion of how long it's
12 going to take at the end of ... how long did it take
13 at the end of last primary to count? Obviously
14 not the final registered number, but in other
15 words, at the end of the night, how long did it
16 take for the primary to be counted? Unofficially.

17 COMMISSIONER ARAUJO: The
18 unofficial, okay.

19 COUNCIL MEMBER BREWER: All right,
20 and then how long do you think it will be for
21 November 6th?

22 COMMISSIONER ARAUJO: Well, I'm
23 hoping that it will be a lot ... we'll be able to
24 shave some time off of it. It's my understanding
25 that we start receiving results around 10:30 at

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2 night. At least in Queens County we did start
3 receiving them around 10:30, 10:40 at night. I
4 believe the last results came in maybe about one
5 o'clock, two o'clock in the morning.

6 COUNCIL MEMBER BREWER: All right,
7 and how much do you think that will be shaved off
8 for November 6th? What do you expect?

9 COMMISSIONER ARAUJO: I expect, you
10 know, it to be within the range, plus or minus,
11 you know some 20, 10 minutes, you know. As best
12 as we can, we'll try. The issue really is being
13 able to get the information and upload the
14 information as much as possible. Now, speed is
15 always an issue for the Board, however, accuracy
16 is what's paramount. In the last pilot program we
17 did, we did 99% ... 99.5% came back in Queens, which
18 I think was great, we were only missing three PMD
19 sticks.

20 COUNCIL MEMBER BREWER: Staten
21 Island was--

22 COMMISSIONER ARAUJO: (Interposing)
23 Or arrived late.

24 COUNCIL MEMBER BREWER: Staten
25 Island was 100%.

2 COMMISSIONER ARAUJO: Staten Island
3 was 100%. A smaller borough.

4 CHAIRPERSON RIVERA: Council
5 Member, we're going to have to ask you to wrap up.

6 COUNCIL MEMBER BREWER: All right.

7 CHAIRPERSON RIVERA: So we can move
8 on to the next issue.

9 COUNCIL MEMBER BREWER: Just
10 finally is October 15th, we're having a hearing on
11 the topic Council Member Dickens mentioned, and I
12 want you to know there are five or six bills that
13 are being brought up by Council Members. Has the
14 Board had a chance to look at them?

15 COMMISSIONER ARAUJO: It was
16 presented to us in executive session, and we are
17 formulating statements.

18 COUNCIL MEMBER BREWER: Okay, thank
19 you, Mr. Chair.

20 CHAIRPERSON RIVERA: Thank you very
21 much, Council Member. At this point in time I
22 want to thank all my colleagues for their
23 questions to the commissioner at the Board of
24 Elections, and we're going to move on to the
25 second item on today's agenda, so thank you,

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2 you're done here. Thank you very much,
3 Commissioner Araujo.

4 COMMISSIONER ARAUJO: Thank you.

5 CHAIRPERSON RIVERA: The second
6 issue for us to discuss today is the pre-
7 considered resolution which amends the section
8 2.55 of the rules of the Council by codifying
9 reforms to the discretionary funding process.
10 Under the new rule, the Speaker will be required
11 to establish a policy on Council discretionary
12 funding, following the basic structure that the
13 Council has put in place over the past several
14 years. This includes a process for organizations
15 to apply for discretionary funding, for Council
16 and agency review of applications, and for the
17 disclosure of funding allocations, and we also
18 have testimony from the Citizens Union
19 acknowledging their written testimony in support
20 of the proposed changes being submitted today.
21 Does any member have any questions on the changes?
22 Seeing none, okay, at this point in time, since we
23 have no questions based on this, we're going to
24 call the Committee Clerk to please call the roll
25 for a vote and the Chair recommends an aye vote on

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both items on today's agenda.

COMMITTEE CLERK: William Martin,
Committee Clerk, roll call vote, Committee on
Rules. Council Member Rivera.

CHAIRPERSON RIVERA: I vote aye.

COMMITTEE CLERK: Comrie.

COUNCIL MEMBER COMRIE, JR.: Aye.

COMMITTEE CLERK: Fidler.

COUNCIL MEMBER FIDLER: I would
like to congratulate the commissioner and I vote
aye.

COMMITTEE CLERK: Vann.

COUNCIL MEMBER VANN: Aye.

COMMITTEE CLERK: Gentile.

COUNCIL MEMBER GENTILE: Aye on
all.

COMMITTEE CLERK: Dickens.

COUNCIL MEMBER DICKENS:
Congratulations to the commissioner and aye on
all.

COMMITTEE CLERK: Vacca.

COUNCIL MEMBER VACCA: Aye on all.

COMMITTEE CLERK: Crowley.

COUNCIL MEMBER CROWLEY: Aye on

2 all.

3 COMMITTEE CLERK: Koslowitz.

4 COUNCIL MEMBER KOSLOWITZ: Aye, and
5 congratulations to Commissioner Araujo.

6 COMMITTEE CLERK: By a vote of nine
7 in the affirmative, zero in the negative and no
8 abstentions, both items have been adopted.
9 Council Members, please sign the Committee
10 reports.

11 CHAIRPERSON RIVERA: Thank you very
12 much, congratulations, Commissioner, we're going
13 to keep the vote open for other members who need
14 to vote, as well as the Speaker, who will be
15 joining us soon. Okay, Council Member Oddo and
16 we've been joined by the Speaker.

17 COUNCIL MEMBER ODDO: Yes.

18 COMMITTEE CLERK: The vote now
19 stands at ten in the affirmative.

20 SPEAKER QUINN: Aye on all.

21 COMMITTEE CLERK: The final vote of
22 the Committee on Rules, Privileges and Elections
23 now stands at 11 in the affirmative, zero in the
24 negative and no abstentions.

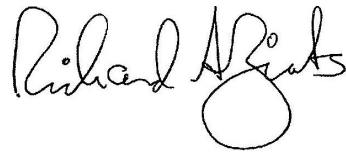
25 CHAIRPERSON RIVERA: Thank you very

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much, this now concludes the meeting of the
Committee on Rules, Privileges and Elections, this
meeting is now adjourned.

C E R T I F I C A T E

I, Richard A. Ziats, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature _____

Date _____ October 21, 2012 _____