

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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December 18, 2012
Start: 10:51 a.m.
Recess: 12:06 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
JOEL RIVERA
Chairperson

COUNCIL MEMBERS:

Leroy G. Comrie, Jr.
Elizabeth S. Crowley
Inez E. Dickens
Erik Martin Dilan
Lewis A. Fidler
Vincent J. Gentile
Robert Jackson
James Vacca
Albert Vann
Karen Koslowitz
James S. Oddo
Christine C. Quinn

A P P E A R A N C E S (CONTINUED)

Maria R. Guastella
Candidate for Reappointment
Board of Elections

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2 CHAIRPERSON RIVERA: Good morning,
3 ladies and gentlemen, and welcome to the Committee
4 on rules, Privileges and Elections. My name is
5 Joe Rivera. I'm the chair of the Committee Before
6 we begin, let me introduce the members who are
7 here with us today. We have Council Member Al
8 Vann, Council Member Inez Dickens, Council Member
9 Leroy Comrie, Council Member Karen Koslowitz,
10 Council Member Liz Crowley, Council Member Erik
11 Dilan, Council Member Lew Fidler, and Council
12 Member Robert Jackson off to the side. We are
13 also joined by our committee staff. We have Chuck
14 Davis, Emerson Sykes [phonetic], Jasmine Vega and
15 Alicia Vassal [phonetic] as well. Today we will
16 be considering one candidate for reappointment to
17 the Board of Elections. Before us today we have
18 Maria R. Guastella. Perfect. Okay. Thank you.
19 I always have to apologize if I butcher names.
20 Thank you. A democrat is the Richmond County
21 democratic committee's candidate for reappointment
22 to the Board of Elections. If the Council
23 reappoints Ms. Guastella, she will serve a four
24 year term that begins on January 1st of 2013 and
25 expires on December 31st of 2016. Welcome, Ms.

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2 Guastella. Will you please raise your right hand
3 to be sworn in?

4 MALE VOICE: Do you swear or affirm
5 that you will tell the truth, the whole truth and
6 nothing but the truth?

7 MARIA R. GUASTELLA: - - .

8 CHAIRPERSON RIVERA: Thank you very
9 much. Before we go to the vote, let me just
10 explain some of the functions of the Board of
11 Elections. The Board of Elections consists of ten
12 commissioners, two from each of the city's five
13 counties who are directly appointed by the New
14 York City Council. Not more than two
15 commissioners shall be registered voters of the
16 same county. Each commissioner serves a term of
17 four years or until a successor is appointed.
18 Commissioners shall be registered voters from each
19 of the major parties in the county for which they
20 are appointed. The Board and its commissioners
21 are responsible for the maintenance and
22 administration of voting records and elections.
23 The Board also exercises quasi-judicial powers by
24 conducting hearings to validate nominating
25 petitions of candidates for nomination to elected

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office. The Board is required to make an annual report of its affairs and proceedings to the New York City Council once every 12 months and no later than the last day of January in any year. Commissioners receive a \$300 per diem for each day's attendance at meetings of the Board or any of its committees with a maximum of \$30,000 per year. Ms. Guastella, do you have an opening statement you wish to make?

MARIA R. GUASTELLA: [off mic]

CHAIRPERSON RIVERA: Can you hold down the mic and just make sure the light is on? Try it again.

MARIA R. GUASTELLA: Sorry. My name is Maria Guastella. I'm the commissioner with the Board of Elections in the city of New York. I am also the president of the Board for the year 2012. I want to thank the Chair and the rest of the Committee for inviting me back here again. I was here a little over a year ago. My first appointment I filled out a term. As everyone knows it has been a very hectic full year at the Board between the different primaries, the special election, the presidential, lots of

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2 litigation, orders to show cause, and yet as
3 hectic and busy as we were and the staff working
4 tremendous hours, we were still able to go forward
5 in a very positive way, and I'm proud to say that
6 I was--in my short stay the Board, I feel that I
7 have been part of the Board and pushed them in a
8 very positive direction, and I look forward to the
9 opportunity to serve another four years.

10 CHAIRPERSON RIVERA: Thank you very
11 much. Do any committee members have any
12 questions? Just for the record all council members
13 in Staten Island are in support of your
14 reappointment so that is a good thing. Council
15 Member Dickens, do you have any questions?

16 COUNCIL MEMBER DICKENS: Thank you
17 for continuing to serve. I know it's been a short
18 time. Thank you for continuing to serve. Can you
19 explain to us why the November 6th elections still
20 have not been certified?

21 MARIA R. GUASTELLA: Well, we would
22 have finished. Unfortunately, due to the well-
23 intended executive order, there has been a lot of
24 balance. In fact, I left the Staten Island office
25 this morning, and I was told we got another

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2 handful of ballots that came in from Manhattan.
3 Not sure yet what county they came in from. So we
4 are still getting ballots on a daily basis, and in
5 fact, at some point we need to set a cutoff date,
6 and that is what has been the problem. Otherwise
7 we would have been able to certify.

8 COUNCIL MEMBER DICKENS: Now you
9 say that you are still getting ballots--mailed in
10 ballots?

11 MARIA R. GUASTELLA: We just got--
12 I'm not sure exactly how many--I believe over 20
13 this morning at the Richmond County office from
14 the Manhattan office. They were forwarded this
15 morning.

16 COUNCIL MEMBER DICKENS: Mailed in
17 from outside of the country?

18 MARIA R. GUASTELLA: Outside the
19 counties. We are not sure where they came from,
20 but they were delivered to us from the Manhattan
21 office, so apparently they are still going through
22 ballots, and they realized some of them belong to
23 Richmond County. So this is an ongoing daily
24 issue, and at some point we need to set a cutoff
25 date. We can't keep re-certifying elections over

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and over again.

COUNCIL MEMBER DICKENS: And do you anticipate when you will have a cutoff date?

MARIA R. GUASTELLA: I hope to raise it as soon as I get back to the Board today.

COUNCIL MEMBER DICKENS: And if you do a cutoff date, what will happen with any ballots that you receive and is that legal? I'm just asking is that legal for you to have a cutoff date even though a ballot may have been mailed legally and may be delivered to the wrong entity of another county?

MARIA R. GUASTELLA: That is the thing I am going to raise with counsel today. I believe it is though because in the past there has been a cutoff date, and because of the circumstances with this presidential we haven't set one. I think the candidates need to know that they're certified and they can move on.

COUNCIL MEMBER DICKENS: Would you notify this committee so that we will know what -
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MARIA R. GUASTELLA: Absolutely.

COUNCIL MEMBER DICKENS: The Board

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2 should notify us as to what is happening with
3 that. Also, have you yet filled the position of
4 executive—

5 MARIA R. GUASTELLA: [interposing]
6 No, we have not.

7 COUNCIL MEMBER DICKENS: And why
8 has it taken so long?

9 MARIA R. GUASTELLA: We haven't had
10 any candidates brought in front of us—

11 COUNCIL MEMBER DICKENS: You
12 haven't had any candidates, you say?

13 MARIA R. GUASTELLA: We haven't had
14 any person come before us so we could discuss it
15 either way. The one thing I did though is
16 basically get support for a lack of a better term
17 to actually have the discussion right after the
18 new president takes office to whether we do
19 recruiting or I'm not sure what we have to do, but
20 we need an executive director.

21 COUNCIL MEMBER DICKENS: do you
22 advertise online on your webpage that there is a
23 position such as this available? What is the
24 negative impact of not having an executive
25 director?

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2 MARIA R. GUASTELLA: I don't
3 believe it is advertised on the website. I browse
4 through the website on a daily basis. I haven't
5 actually looked to see if it was posted.

6 COUNCIL MEMBER DICKENS: Is that
7 something that you could consider posting it on
8 the-

9 MARIA R. GUASTELLA: [interposing]
10 I think it's something we seriously need to start
11 the dialogue going. I mean Dawn Sandow and Pam
12 Perkins have been tremendous in what they have
13 done. They can't do it anymore alone. They need
14 the help, and I am definitely an advocate of
15 getting an executive director, and as I stated, it
16 has been a very hectic year, and at least I had
17 the discussion started as to we have to sit down
18 right after the New Year and start figuring out.
19 We have to get these women help. We need the
20 executive director.

21 COUNCIL MEMBER DICKENS: Thank you.

22 CHAIRPERSON RIVERA: Thank you very
23 much, Council Member. We have been joined by
24 Council Member Vincent Gentile and Council Member
25 Karen Koslowitz has a question.

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2 COUNCIL MEMBER KOSLOWITZ: I would
3 like to know the cutoff date, does it apply to
4 each borough has the same cutoff date?

5 MARIA R. GUASTELLA: It would have
6 to. It would have to.

7 COUNCIL MEMBER KOSLOWITZ: 'Cause I
8 thought in Queens they had already had a cutoff
9 date.

10 MARIA R. GUASTELLA: No. No.

11 COUNCIL MEMBER KOSLOWITZ: Okay.

12 MARIA R. GUASTELLA: I'll let the
13 Committee know. I'll let Mr. Davis know as soon
14 as I get a date. That is one of the things I am
15 going to bring up at the meeting. I think we need
16 to move on.

17 COUNCIL MEMBER KOSLOWITZ: Okay.

18 Thank you.

19 CHAIRPERSON RIVERA: Okay. Does
20 any other council members have any questions?
21 Seeing none, at this point in time I ask the clerk
22 to please call the roll, and the Chair recommends
23 an aye vote.

24 MARIA R. GUASTELLA: Thank you.

25 COMMITTEE CLERK: William Martin,

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2 committee clerk. Roll call vote Committee on
3 Rules. Council Member Rivera?

4 CHAIRPERSON RIVERA: I vote aye and
5 congratulations.

6 MARIA R. GUASTELLA: Thank you.

7 COMMITTEE CLERK: Comrie?

8 COUNCIL MEMBER COMRIE: Permission
9 to explain my vote? I vote aye. - - concerned
10 about the Board of Election's process and picking
11 a new director - - express some concerns about
12 that. I think that not hearing that they have had
13 a search or done a search or put out any
14 information on picking an executive director is
15 very problematic. I just want to put that on the
16 record. We need to make sure that especially with
17 all of the issues that have happened in this
18 election and the upcoming city-wide elections next
19 year that the Board of Elections is running in the
20 best way possible with thinking about the needs of
21 New Yorkers. We had New Yorkers with two and
22 three hour waits to vote. Clearly some changes
23 need to be made at the Board of Elections. I vote
24 aye.

25 COMMITTEE CLERK: Dilan?

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2 COUNCIL MEMBER DILAN: Mr. Chair,
3 may I be excused to explain my vote? I too am
4 going to vote aye, and I too want to make comments
5 about the Board of Elections, but maybe slightly
6 different than my colleague. I want to commend
7 the Board for the job that they have done in
8 conducting four successful elections in a year
9 when we had to deal with reapportionment,
10 elections being changed to unusual dates in June,
11 and to deal with a storm of almost massive
12 proportions and still be able to conduct an
13 election within a very short window of time I
14 think is a credit to the Board. I think this
15 storm was a challenge to many city agencies, the
16 Board of Elections included, but the Board had one
17 thing that the city agencies didn't have, and they
18 had to conduct an operation on a city-wide scale
19 on a certain date that was mandated by federal
20 law. If NYCHA or any other city agency had to
21 comply by November 6th, I don't think NYCHA would
22 have been able to comply, and I don't think NYCHA
23 still is in compliance, so for the job and the
24 task that the Board had to conduct under the
25 conditions that they had to conduct them and in

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2 the amount of time they had to conduct them, I
3 think the Board did a credible job. And to delay
4 your decision based on an executive order granted
5 or mandated to you by the governor of this state,
6 I think you did what was right by the people of
7 this state, certainly right by the people who were
8 in the affected areas by Sandy, and I want to
9 publically credit you and the Board for the job
10 that you all have done. I proudly vote aye.

11 MARIA. R. GUASTELLA: Thank you
12 very much.

13 COMMITTEE CLERK: Fidler?

14 COUNCIL MEMBER FIDLER: [off mic] .

15 COMMITTEE CLERK: Jackson?

16 COUNCIL MEMBER JACKSON: Mr. Chair,
17 may I be excused to explain my vote?

18 CHAIRPERSON RIVERA: Yes. - - real
19 quick are they actually certifying borough by
20 borough, so that is why the Bronx would be able to
21 certify - - .

22 COUNCIL MEMBER FIDLER: [off mic]

23 MARIA R. GUASTELLA: She had asked
24 me about the cut off fate to receive the ballots,
25 not the certification.

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2 COUNCIL MEMBER FIDLER: How do you
3 certify the result without—

4 MARIA R. GUASTELLA: [interposing]
5 We can.

6 COUNCIL MEMBER FIDLER: [off mic]

7 MARIA R. GUASTELLA: We can still
8 certify. We have checked, and it is legal.

9 COUNCIL MEMBER FIDLER: [off mic]

10 COUNCIL MEMBER JACKSON: So, Mr.
11 Chair, may I be excused to explain my vote? Thank
12 you. Well, congratulations on your reappointment.
13 Clearly based on what I have read, and I agree a
14 lot with some of the comments of my colleagues,
15 but also I agree with my colleague Erik Martin
16 Dilan. All things considered you know especially
17 with the governor doing the executive order saying
18 no matter who you are, paper ballot, you can vote
19 anywhere at the last minute. Just it was chaotic.
20 We all have a lot to learn because as Erik said,
21 this city is still not totally recovered from
22 Hurricane Super Storm Sandy. In fact, I was with
23 some of my colleagues yesterday visiting some of
24 the small businesses in Lower Manhattan and they
25 are struggling, hanging on by their fingernails,

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2 even though it is over two months after Hurricane
3 Sandy. But I don't think this is an oversight
4 hearing on DOE. I think that this is about your
5 reconfirmation as a member of the Board of
6 Elections. Considering that, I say
7 congratulations to you. We all know you know and
8 everyone else, we have a lot of work to do.
9 Working together, we will get it done.

10 MARIA R. GUASTELLA: Thank you.

11 COUNCIL MEMBER JACKSON: Thank you.

12 Thank you, Mr. Chair. I vote yes.

13 COMMITTEE CLERK: Vann?

14 COUNCIL MEMBER VANN: Yes.

15 COMMITTEE CLERK: Gentile?

16 COUNCIL MEMBER GENTILE: I vote

17 yes.

18 MARIA R. GUASTELLA: Thank you.

19 COMMITTEE CLERK: Dickens?

20 COUNCIL MEMBER DICKENS: Mr. Chair,
21 permission to explain my vote?

22 CHAIRPERSON RIVERA: Yes.

23 COUNCIL MEMBER DICKENS: I join
24 with my colleague from Brooklyn. I think that the
25 Board and the workers do phenomenal work. I know

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2 it's difficult. It's hard. It's not a perfect
3 system by any means, and changes are necessary in
4 order to have an election that can be certified
5 and not be open ended as we close out the year
6 because I don't know if we are going to have it
7 certified before December 31st, so that is a
8 concern and I am concerned about the city-wide
9 elections that are coming up in 2013, but having
10 said that, I do agree that the workers are very at
11 the Board of Elections. They work very hard. It
12 is a difficult situation. You're working a new
13 system, and I agree that the governor gave you an
14 executive order that was put in at the very last
15 minute, and it caused a lot of problems throughout
16 the city, so recognizing that there are changes,
17 and having read some of your answers to the
18 questions that you are working towards seeking
19 resolutions to some of the problems. I too vote
20 yes.

21 MARIA R. GUASTELLA: Thank you.

22 COMMITTEE CLERK: Crowley?

23 COUNCIL MEMBER CROWLEY: I vote
24 aye.

25 COMMITTEE CLERK: Koslowitz?

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2 COUNCIL MEMBER KOSLOWITZ: I vote
3 aye.

4 COMMITTEE CLERK: Oddo?

5 COUNCIL MEMBER ODDO: Yes.

6 COMMITTEE CLERK: Speaker Quinn?

7 SPEAKER QUINN: Aye.

8 COMMITTEE CLERK: By a vote of 12
9 in the affirmative, zero in the negative and no
10 abstentions, item is adopted. Members, please
11 sign the committee report.

12 CHAIRPERSON RIVERA: Thank you very
13 much and congratulations. We are going to hold
14 the roll open for 20 minutes for other council
15 members who will be joining us shortly.

16 [background conversation]

17 COMMITTEE CLERK: Continuation roll
18 call, Committee on Rules. Council Member Vacca?

19 COUNCIL MEMBER VACCA: I vote aye.

20 COMMITTEE CLERK: Final vote in the
21 Committee on Rules is now 13 in the affirmative,
22 zero in the negative and no abstentions.

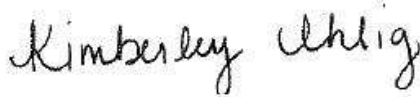
23 CHAIRPERSON RIVERA: The Committee
24 on Rules, Privileges and Elections is now
25 adjourned.

[gavel]

C E R T I F I C A T E

I, Kimberley Uhlig 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 _____1/1/12_____