

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, JANUARY 27, 2009
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR HEARING ROOM
NEW YORK, NY 10004

P R E S E N T: President Frederic Umame
 Secretary Julie Dent

Commissioners Araujo, Polanco, Sampel, Schacher, Silie, Soumas, Stupp,
Yennella

Marcus Cederqvist, Executive Director
Steven H. Richman, General Counsel
John Owens Jr., Director, Campaign Finance Enforcement
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Valerie Vazquez Rivera, Director, Communications
Joseph LaRocca, Coordinator, Candidate Records Unit
Steven Ferguson, Director, MIS
Charles Webb, Counsel to the Commissioners
Steve Denkberg, Counsel to the Commissioners

GUEST: NYC Council Member Daniel R. Garodnick
 Israel Rodriguez, City Council
 Marjorie Shea, Women's City Club
 Andrea Senteno, Citizen's Union
 Rima McCoy, CIDNY
 Teresa Hummel, Community Church of New York

President Umame called the meeting to order at 1:45 P.M.

Commissioner Polanco stated on January 7, 2009 he had the privilege of sitting next to Commissioner Soumas as they went before City Council for a new four year term. Commissioner Polanco thanked the good government groups for the great ideas they provided to the City Council on how we should move forward at the Board of Elections.

Commissioner Schacher moved to table the minutes of the January 6, 2009 meeting. Secretary Dent seconded the motion, which was adopted unanimously.

The Executive Director reported on both the HAVA update and Winter Conference of the Election Commissioners Association (ECA) of the State of New York last week in Cooperstown, NY. He directed the Commissioners' attention to page 12 of the agenda which is a copy of the 2009 ECA Legislative Agenda. He stated the Legislative Committee adopt the 2009 ECA Legislative Agenda with a reordering of the sequence of proposals. Commissioner Schacher applauded John Naudus, John O'Grady and Marcus Cederqvist for doing a wonderful job exchanging views and submitting problems to the ES&S staff at the conference. They

communicated directly with ES&S regarding any problems with the ballot marking devices.

The Executive Director reported that Sys Test, a company that performs the certification testing for the State Board, lost their accreditation from the U.S. Election Assistance Commission last fall and they are reapplying for the reaccreditation. At the conference, the State Board reported that if all goes well, they should receive their reaccreditation in early - mid March. The State's certification testing should take between 5-6 weeks, which would be late April, then there is 2 weeks where the vendor can go back and address any problems, then retest for another 5-6 weeks. As such, the State Board reported that it might not be in a position to certify the new voting systems until June and recommended that local boards do not "throw away" their lever machines. The Executive Director noted that New York State Board of Election's Commissioner Douglas Kellner then reminded everyone that the State is under a Federal court order and there is nothing to prevent the judge from saying you have to run the election with new voting systems regardless of certification or ample time. The Board has to continue working with DCAS in search of facilities to store the new systems. Commissioner Schacher added that she was very annoyed

the vendors have not prepared a user manual which they are required to do under Federal Law. Mr. Cederqvist noted Commissioner Kellner clearly is looking after the local boards' interests by ensuring that the vendors provide this resource so that Boards may be able to avoid having to contract for services with the vendor.

President Umame expressed his appreciation that New York City Council Member Daniel Garodnick was present at today's meeting.

The General Counsel requested direction from the Commissioners regarding the State Voter Database for processing Department of Health and Felony Reports. There are proposed changes for the regulations governing the statewide database. The pending issue under the revised state statute is the State and City Departments of Health and OCA no longer send local boards death records and felony convictions. The information is only going to the State Board and they are putting them on the statewide voter registration database. The General Counsel said Steven Ferguson inquired as to how we should access this information. President Umame opened the floor for Steven Ferguson, Director of MIS. Mr. Ferguson discussed different interim solutions such as the NYCBOE be

authorized to use the NYSBOE website, or get hard copy or electronic lists from the State Board of the records they get from the various agencies. The Director of MIS recommended making an arrangement with the State Board to get the Departments of Health and OCA lists on a regular basis electronically. In the case of death notices, the deceased person would be cancelled. Felons would be treated in a similar fashion. Commissioner Soumas suggested that the Executive Director, the General Counsel and the Director of MIS contact the State Board to implement this plan. After discussion, President Umare suggested the Board continue to send out the Notice of Intent to Cancel only for potential duplicates.

The General Counsel noted he received a communication from the clerk of the Assembly of the Election Law Committee regarding the City Board's Legislative Education and Information Day. Mr. Richman suggested tentative dates for the Legislative Education Day. After discussion, it was agreed the meeting will be held on March 10, 2009 with March 3, 2009 as a backup.

The General Counsel requested the appointment of a Cover Sheet Review Committee for the February 24, 2009 Special Election. President

Umane and Secretary Dent designated Commissioners Sampel and Yennella.

The Candidate Records Coordinator requested approval of a draft Notice to All Candidates. Secretary Dent moved to approve the draft. Commissioner Schacher seconded the motion, which was adopted unanimously.

The Director of Communications and Public Affairs distributed the “Inside City Hall” DVD to the Commissioners, in which the Executive Director was interviewed on Christmas Eve 2008. Ms. Vazquez Rivera also distributed a summary chart and reported the confirmed dates and times for the vendor poll site voting system demo sites. All demos will be held from 3 P.M. – 10 P.M. The information follows:

- Brooklyn – Feb. 11, 2009 at Brooklyn College
- Bronx – Feb. 18, 2009 at Bronx Center Library
- Staten Island – Feb. 19, 2009 at Staten Island Courts
- Queens – Feb. 26, 2009 at LaGuardia Community College
- Manhattan – Pending

The Finance Officer provided the Commissioners with the Vacancy Report dated January 20, 2009 and the Comparative Expenditures Report dated January 13, 2009. The Finance Officer directed the Commissioners' attention to pages 10 and 11 of the agenda which is copies of FY09 OTPS Projection and FY09 OTPS Detailed Report. Mr. Ward reported on his conversations with Office of Management and Budget regarding the reports. Mr. Ward contacted the Executive Committee last week and had a meeting with Commissioner Umane, Commissioner Dent and senior staff to discuss the option of moving funds from the HAVA – OTPS funds. President Umane stated that the Board of Elections is short \$11 million dollars and desperately needs assistance because the Board cannot deplete the HAVA allocation which will be needed to implement the new voting systems in the upcoming elections.

President Umane welcomed NYC Council Member Daniel R. Garodnick who made brief comments.

Commissioner Soumas moved to advance an additional 210 hours of sick leave to Claudia Polk, Administrative Associate in the Manhattan Voting Machine Facility. President Umane seconded the motion, which

was adopted unanimously.

President Umane moved to convene Party caucuses before Executive Session to discuss personnel matters.

The Commissioners convened Party caucuses then proceeded to Executive Session.

The President reported that in the Executive Session the Commissioners took the following personnel action:

A) Appointment of 2009 Commissioners' Standing
Committees

Human Resources – Commissioners Silie and Schacher

Budget and Finance – Commissioners Silie, Soumas, Polanco, and
Umane

Communications, Voter Registration and Outreach – Commissioners
Polanco, Stupp, Araujo and Soumas

Management Information Systems and Services – Commissioners
Dent and Umane

Legislative Affairs – Commissioners Yennella, Sampel, Soumas and

Stupp

Investigations – Commissioners Polanco, Schacher, Soumas and
Sampel

Commissioner Schacher made a motion to advance 210 hours of sick leave to Ms. Valerie King, Clerk in the Brooklyn Office. Commissioner Dent seconded the motion, which was adopted unanimously.

Commissioner Araujo made a motion to advance 210 hours of sick leave to Ms. Angel Holcomb, Administrative Assistant in the Executive Office. Commissioner Stupp seconded the motion, which was adopted unanimously.

Commissioner Stupp made a motion to adopt the following resolution regarding the canvass of preliminarily invalid ballots in the 11th State Senate District. The resolution follows:

“WHEREAS, this Board of Elections adopted a resolution regarding the canvass of preliminary invalid ballots in the 11th State Senate District on December 20, 2008, and

WHEREAS, the candidates have agreed to continue the canvass of the preliminary invalid ballots,

BE IT RESOLVED THAT

The Resolution of December 30, 2008 is hereby reconsidered and the following is substituted:

This Board of Elections shall complete the canvass of the ballots in the 11th Senate District, and

All determinations made in connection with the ballots in such canvass shall be made in accordance with the Orders to Show Cause signed by Justice Satterfield, and

Commissioners Stupp and Araujo are designated to serve as a Board of Canvassers to review the ballots of the 11th State Senate District which have been preliminarily determined to be invalid by the bi-partisan teams of the Board, and

Commissioners Stupp and Araujo are hereby authorized to designate such employees of the Board as may be necessary to act as inspectors for such canvass.”

Commissioner Araujo seconded the motion, which was adopted unanimously.

Commissioner Stupp made a motion to approve the draft of the stipulation prepared by the Counsels to the parties therein in the 11th State Senate District proceeding in Queens County Supreme Court and to instruct the Corporation Counsel to sign it on behalf of the Board of Elections. President Umane amended the motion to correct two typographical corrections. Commissioner Araujo seconded the motion as

amended, which was adopted unanimously.

Commissioner Soumas moved to authorize the use of Newsmax Photography to photograph the NYCBOE Commissioners and Senior Staff who were not present at last year's photo shoot for the NYCBOE Annual Report. The cost shall not exceed \$2,000. Commissioner Polanco seconded the motion. The motion was adopted by a roll call vote of:

Eight (8) in favor (Secretary Dent, Schacher, Yennella, Polanco, Sampel, Soumas, Silie, Araujo,); and

Two (2) opposed (President Umane and Commissioner Stupp)

Commissioner Schacher moved to adjourn. Secretary Dent seconded the motion, which was adopted unanimously.

The next Commissioner's meeting and hearings is scheduled for Tuesday, February 3, 2009 at 1:30 P.M.