

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, APRIL 26, 2011
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR COMMISSIONERS' ROOM
NEW YORK, NY 10004

PRESENT: Secretary Gregory C. Soumas

Commissioners Araujo, Barrera, Dent, Schacher, Sipp, Stupp, Umane

Pamela Perkins, Administrative Manager

John Owens Jr., Director, Campaign Finance Enforcement

Dorothy Delayo, Director, Personnel

Valerie Vazquez-Rivera, Director, Communications and Public Affairs

Daniel Lavelle, Associate Staff Analyst, Phone Bank and Communications

Tom Sattie, Administrative Staff Analyst, Ballot Coordinator

Rosanna Rahmouni, Coordinator, Election Day Operations

Stephen Thompson, HAVA Training Specialist, EDO

Rachel Knipel, Coordinator, Language Assistance Program

Gregory Lehman, Chief Clerk, Manhattan Borough Office

Timothy Gay, Deputy Chief Clerk, Manhattan Borough Office

Charles S. Webb, III, Counsel to the Commissioners

Steven B. Denkberg, Counsel to the Commissioners

GUEST: Jerome Koenig

Ilana Novick, Citizen's Union

Mark B. Herman

Stewart Armstrong, CFB

John D. Smith

Marjorie Shea, Women's City Club

Rima McCoy, CIDNY

Teresa Hommel, wheresthepaper.org

Alan Flacks, Member of NY County Democratic Committee

Secretary Soumas called the meeting to order at 1:39 P.M. He announced that President Polanco will not be present for the meeting.

Commissioner Schacher requested to discuss a Brooklyn personnel matter in Executive Session.

Commissioner Barrera requested to discuss a Bronx personnel matter in Executive Session.

Commissioner Araujo requested to discuss a Queens personnel matter in Executive Session.

Commissioner Araujo moved to table the minutes of the April 12, 2011 meeting. Commissioner Barrera seconded the motion, which was adopted unanimously.

Commissioner Umane moved to table President Polanco's item for one (1) week which concerns filling the vacancies for the Commissioners' Committee on Election Night Results Reporting and Results Procedures. Commissioner Araujo seconded the motion, which was adopted unanimously.

Mr. Sattie asked for the Commissioners' approval to use the synthesized voice features of the Ballot Marking Devices (BMDs) for the

2011 Primary and General Elections. He distributed copies of a memorandum to the Commissioners. Mr. Sattie reported that an audio vendor was utilized to record all pertinent ballot elements in all languages and dialects for the Auto Mark machine in past elections. The cost of the vendor, via contract, was approximately \$35,000. Mr. Sattie reported that using the synthesized voice feature would be at no additional cost to the Board so it will be a savings to the Board. He reported that prior to this year the Board has not used the synthesized voice feature because it did not support all of the languages and dialects that the Board is required to have translated. Mr. Sattie stated that he discussed this issue with ES&S and has been assured that those issues have been resolved. Commissioner Umane asked if the synthesized voice feature works well. Mr. Sattie replied that ES&S provided the Board with synthesized voice recordings in all languages and he and the Board's Translators are in favor of the feature. He noted that the Translators felt that some translations would need to be re-recorded. The system allows the Board to tweak the audio recordings and there are volume features on the BMD as well. Commissioner Umane asked if the synthesized voice feature was approved as part of the system's hardware/software by the State Board. Mr. Sattie replied that he will research that inquiry today. He noted that Mr. Richman participated in the synthesized voice feature meetings and there was not a

legal issue. Ms. Perkins stated that the feature is part of the certified voting system, but it was never used in the past. Commissioner Soumas moved to authorize the use of synthesized voice feature for the BMDs for the 2011 elections conditioned upon its legality. Commissioner Stupp seconded the motion, which was adopted unanimously.

Mr. Thompson and Ms. Knipel presented the proposed early training classes plan for Interpreters, Door Clerks, and Information Clerks. They distributed copies of a report to the Commissioners. Mr. Thompson proposed starting the Interpreters, Door Clerks, and Information Clerks classes in May based on feedback from Borough debriefings and input from Borough Office Managers. Completing these classes early will allow more flexibility in the training schedule for the more critical Inspector, Coordinator and AD Monitor classes. Mr. Thompson stated that the procedures and policies for these classes are not changing. The poll workers who pass the class will be paid \$25, but the payment will not be made until they have worked one (1) election. Mr. Thompson stated that this proposal is contingent on the Commissioners' approval. A "Notice to Train" would be mailed to the poll workers immediately after approval. He stated that the proposed training class schedule will start on May 10, 2011 and run through June 23, 2011. He noted that there will be some evening

and weekend classes in order to accommodate the students. Commissioner Schacher inquired if there would be overtime costs for training in the evening and on the weekend. Mr. Thompson replied that there would be overtime costs in the Borough Offices. He stated that many poll workers work their regular job from 9:00am – 5:00pm. Commissioner Schacher asked if there is a percentage of the poll workers who will be attending the evening and weekend classes. Mr. Thompson stated that he would not know the percentage until the “Notices to Train” are mailed back to the Board which would indicate the poll worker’s preferred class. Commissioner Soumas asked what the costs would be for the Board. Mr. Thompson replied that he does not know the costs yet. Commissioner Umame inquired about the length of the classes. Mr. Thompson replied two (2) hours. Commissioner Umame was concerned that the training classes would be too soon in the calendar and some poll workers might forget the information by Election Day. Mr. Thompson stated that the proposed early set of training classes would only train poll workers with prior experience. He added that all classes will be taught in the Borough Offices so no additional space is needed and there will be no additional cost. Borough Office staff has been identified to teach the classes. Commissioner Schacher inquired if the Board could use the same poll worker training materials that were used in previous years without reprinting them to save

funds. Mr. Thompson reported that the Board redesigned the training materials which were taken from the Poll Worker's Manual. They removed twenty-one (21) pages from the Poll Worker's Manual which will reduce printing costs and it will be printed in-house. Commissioner Araujo asked if the plan allows the Boroughs to cross train, if it is deemed necessary, to save time and funds. Mr. Thompson stated that it would be the Borough Manager's discretion. Commissioner Araujo inquired if the Interpreters have to be certified every year and if it is indicated in the NYS Election Law. In addition, he inquired if there were other ways to train the Interpreters instead of them attending the classes in the Borough Offices which would save funds. Mr. Thompson replied that he does not know the law concerning that matter. Commissioner Soumas asked Mr. Thompson to research that matter for next week's meeting. Commissioner Umane stated that it is helpful for the Interpreters to be trained because they work closely with the Door Clerks. He feels it is very reasonable to pay them \$25 to attend the training class. Commissioner Umane asked Mr. Thompson to also include the Board's "skeleton crew" estimated costs in order to keep the Borough Offices open for the training classes. Ms. Perkins noted that Section 3 – 4.112 of the NYS Election Law concerns the poll workers. She added that when the Board submitted the implementation plan for pre-clearance to the Department of Justice (DOJ) it

was indicated that all poll workers would be trained every year. If the plan changes, it will have to be re-submitted to DOJ for pre-clearance. Commissioner Araujo inquired if there were alternative methods of poll worker training such as posting training materials on the Board's website or mailing the materials to the poll workers.

Secretary Soumas recognized Jerry Koenig, a member of the public, who recited Section 3 – 4.112 of the NYS Election Law.

Commissioner Stupp stated that she and Commissioner Araujo prefer the idea of cross training. She confirmed that the Information Clerk and Door Clerk training classes are two (2) hours long with a test. Secretary Soumas suggested tabling Mr. Thompson's item for one (1) week. The Commissioners agreed. Commissioner Schacher noted that it would be very helpful if the Commissioners received the Commissioners' Agenda materials a couple of days before the meeting. She stated that the Commissioners could learn the items in depth before the meeting so they could vote on them. Commissioner Schacher indicated that it is a loss of time. Secretary Soumas agreed with Commissioner Schacher.

Ms. Rahmouni presented the 2011 Boroughwide Poll Site

Designation Room Report. A copy of the report was distributed to the Commissioners. Ms. Rahmouni asked for approval of the report. Commissioner Soumas moved to approve the 2011 Boroughwide Poll Site Designation Room Report. Commissioner Umame seconded the motion, with Commissioner Schacher abstaining. The motion was adopted.

Ms. Vazquez-Rivera presented the poll worker recruitment update. As approved by the Commissioners, the Board has launched a comprehensive, pro-active, grass roots poll worker recruitment effort in the five (5) boroughs. By next Monday, the Board will have visited the 59 Community Boards in New York City. In May, the Board will focus on colleges and universities working with the campuses individual Democratic and Republican Committees. In June, the Board will focus on block parties and street fairs. Ms. Vazquez-Rivera reported that the Board has received a total of 315 poll worker applications from the poll worker recruitment effort. She stated that the applicants usually do not have their social security cards with them when signing-up. When Board staff processes the applications back in the Board's Office, they have to reach out to the applicants for a signed copy of their social security card. Ms. Vazquez-Rivera reported that many applicants have asked for a self-addressed stamped envelope because they are not comfortable with

faxing a copy to the Board. Ms. Vazquez-Rivera asked the Commissioners for direction on how to proceed with this request. Commissioner Umame questioned the signed copy of the social security card. Ms. Vazquez-Rivera reported that the Board needs a signed copy in order for the applicants to be enrolled in the City's NYCAPS payroll system. Commissioner Stupp asked why the poll worker applicants are not being told to contact the Board when signing-up which would help eliminate the Poll Worker Department reaching out to the applicants. Ms. Vazquez-Rivera reported that the Executive Office's Election Day Operations (EDO) staff asks the applicants for their social security card and if they do not have it then they are asked to mail a copy to the Board. Commissioner Umame asked if the purpose of a copy is to verify the identity of the person or to ensure the social security number is correct. Ms. Rahmouni stated she believes that NYCAPS requires City employees to submit a signed copy for proof of a social security card. Commissioner Stupp confirmed that she had to submit a copy to the Board when she was appointed. Commissioner Sipp confirmed that the poll worker applicants want a job with the Board, but they do not want to fax their social security card, and want the Board to pay for them to apply for the job. Commissioner Soumas requested for a written policy from the City of New York concerning the social security card matter. Ms. Rahmouni reported

that she has asked NYCAPS numerous times, but has not received a written response to this date. Commissioner Soumas asked Mr. Ward to look into this matter. He recommended tabling this item until the Board receives a written policy. The Commissioners agreed.

Mr. Owens reported that the Board received a request from the New York City Law Department to post a poll worker advisory notice concerning the W-2 (C) forms on the Board's website. He stated that he advised the Executive Committee of this matter and they approved the notice. Secretary Soumas added that he and President Polanco received a letter from the Corporation Counsel supported by a written request by the Internal Revenue Service (IRS). Corporation Counsel requested for the Board to post this advisory notice. Commissioner Umane moved to ratify the decision of the Executive Committee. Commissioner Schacher seconded the motion, which was adopted unanimously.

Mr. Ward presented the Comparative Expenditures Report dated April 29, 2011 and the Vacancy Report dated April 26, 2011. Copies of the reports are in the agenda.

Mr. Ward distributed copies of the Board's Overtime Report for

3/20/11 to 4/2/11 to the Commissioners.

Mr. Gay reported on a New York County matter concerning overpaid and underpaid Trainers and Assistant Trainers. He stated that the reports concerning this issue were forwarded without his approval. Mr. Gay stated that he notified his Commissioner two (2) weeks ago about this issue. He stated that the review was prepared by two (2) Republicans. Commissioner Umane stated that he believes three (3) Democrats were involved in the review. Mr. Gay stated that Democrats were not involved. Commissioner Umane requested for Mr. Lehman to report on this matter as well. Commissioner Umane reported that a Republican Trainer raised this issue and Mr. Lehman was asked to check this Trainer's time slips. It was reported back to Commissioner Umane that the review process was less than standard. He asked Mr. Lehman to undertake a review of the payroll based on the inquiry and he thought it was performed on a bipartisan basis. It was indicated to him that the Republican clerk was better at MS Excel. There was no nefarious plot. Commissioner Umane stated that it took three (3) months for staff to perform this review and it was re-checked numerous times. Commissioner Soumas stated that he believes there was no nefarious intent, but he has to have full confidence of the Borough Office. Mr. Gay and Mr. Lehman explained the matter to the

Commissioners. Commissioner Soumas stated that he has no confidence of this report and requested for the Executive Office's EDO Department to re-review this report. He directed Ms. Perkins to oversee this project.

Secretary Soumas recognized Jerry Koenig, a member of the public, who inquired if there will be Special Elections. Commissioner Soumas reported that the Governor may wait to hold the Special Elections on one (1) day.

Secretary Soumas recognized Teresa Hommel, a member of the public, who was concerned that her poll worker pay stub did not indicate the dates and locations when she worked for the Board.

Secretary Soumas moved to convene an Executive Session to discuss personnel matters. Commissioner Stupp seconded the motion, which was adopted unanimously.

Following the Executive Session, the open public meeting resumed and Secretary Soumas reported on the actions taken in Executive Session:

- I. After a hearing upon notice, Lois Walcott, a Clerk in the Brooklyn Borough Office, will be placed on six (6) months

probation based on a disciplinary hearing, and to attend an Employee Assistance Program (EAP).

- II. After a hearing upon notice, Florence Kotlowitz, a Clerk in the Brooklyn Borough Office, is terminated of her employment, effective immediately.
- III. After a hearing upon notice, Colville Charles, a Clerk in the Bronx Borough Office, had a probation in existence and is now extended for one (1) additional year.

Secretary Soumas noted that Commissioner Dent joined the meeting.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, May 3, 2011 at 1:30 P.M.