

THE MEETING OF
THE COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, OCTOBER 18, 2011
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Juan Carlos "J.C." Polanco
Secretary Gregory C. Soumas

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

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Valerie Vazquez, Director, Communications and Public Affairs
Raphael Savino, Director, Campaign Finance Reporting
John Luisi, Agency Chief Contract Officer
Rosanna Rahmouni, Coordinator, Election Day Operations
Daniel Lavelle, Supervisor, Phone Bank and Front Counters
Giacomo Kmet, Temporary Attorney, OGC
James Barron, Temporary Attorney, OGC
Charles S. Webb, III, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV
Jerome Koenig
Kevin Maloney, Citizens Union
Jerry Amick, ES&S
Marjorie Shea, Women's City Club
Charlie Laramy, ES&S
Rima McCoy, CIDNY
A.B. Britton
Chyann Sapp, CFB
Artyom Matricov, NYC Council
Seth Grupmen, NYC Council

John D. Smith
Cathy Gray
Hoon Jason Park, for Council Member Gale Brewer

President Polanco called the meeting to order at 1:31 P.M.

Commissioner Schacher moved to approve minutes of the October 4, 2011 and October 11, 2011 meetings. Commissioner Guastella seconded the motion, which was adopted unanimously.

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

Mr. Johnson presented the draft Notice to All Candidates letter for the November 8, 2011 General Election. He distributed copies of the draft letter to the Commissioners. Commissioner Araujo inquired if it is the same letter used in previous years with no revisions, except for the dates. Mr. Johnson replied yes. Commissioner Umame moved to adopt the Notice to All Candidates letter for the November 8, 2011 General Election. The notice will be mailed to the candidates and posted on the Board's website.

Ms. Rahmouni presented the Poll Worker Exception Reports for the November 8, 2011 General Election for Richmond, New York, Kings and Queens Counties. It was noted that all Commissioners reviewed the report for their respective borough. Commissioner Umame moved to adopt the Poll Worker Exception Reports for the November 8, 2011 General Election for Richmond, New York, Kings and Queens Counties. Commissioner Stupp seconded the motion, which was adopted unanimously.

President Polanco recognized Jerome Koenig, a member of the public. Mr. Koenig inquired if the Poll Worker Exception Reports will be available for public viewing. President Polanco replied yes.

President Polanco noted that Commissioner Barrera joined the meeting.

Ms. Rahmouni reported that there was an error on the 2011 Primary Election affidavit ballot envelopes. She distributed copies of a memorandum to the Commissioners. Ms. Rahmouni stated that the back of the envelope, in Part B, states, "Select one: you must check one of these 3 boxes, and fill in the appropriate blanks:" The correct statement should have been, "Select one: you must check one of these 4 boxes, and fill in

the appropriate blanks.” Ms. Rahmouni stated that due to this error, Brooklyn has 206 affidavit ballot envelopes, and Manhattan has 54 affidavit ballot envelopes that were ruled invalid solely because the voter failed to indicate the Party. These affidavits were researched in the system and confirmed to have no other error. Ms. Rahmouni requested authorization for Brooklyn and Manhattan to be permitted to count these affidavit ballots and give these voters credit for voting in the 2011 Primary Election. Ms. Rahmouni stated that this error will not happen again in the future because the new affidavit ballot envelope from the State Board states in Part B, “Please check each box that applies to you and fill in the appropriate blanks.” Commissioner Schacher inquired how the error happened. Ms. Rahmouni replied that it was an oversight. President Polanco stated that this is a serious matter which unfortunately made the news. He stated that the Board does excellent work, but that does not make the news. President Polanco stated that the employee who made the mistake should be held accountable. Ms. Perkins reported that a Proofing Team has been created which is composed of six (6) employees (3 Republicans and 3 Democrats) from various departments at the Executive Office. Ms. Perkins stated that the team will be attending proofreading and editing classes in November and January. The

department's staff and manager will still be responsible for their work, but the Proofing Team will be the last check.

President Polanco noted that Secretary Soumas joined the meeting.

Commissioner Schacher stated that the whole staff working on the project should be held responsible for their work. Commissioner Stupp inquired if the Proofing Team members are from the Election Day Operations (EDO) Unit. Ms. Perkins replied that some of the members are from other departments such as Voter Registration and Ballot Coordination. Commissioner Araujo inquired if the department's manager will be required to review the final check. Ms. Perkins replied yes. President Polanco asked if the Proofing Team was created due to the heavy amount of work and lack of staff during the election cycle. Ms. Perkins replied yes. President Polanco inquired how Executive Management will evaluate the success of the proofing training class. Ms. Sandow replied that there is an evaluation form to be submitted from the team members when the classes are completed. The team will develop procedures for proofing documents as well. Ms. Sandow stated that Board Managers, department staff, and Proofing Team will review documents. The Office of the General Counsel will review various documents as well. Commissioner Dent stated that

many of the questions she wanted to ask have already been addressed. She is glad to hear that Executive Management is proactive to make sure that this error will not occur again. Commissioner Araujo suggested for some of the tasks to be addressed before the busy election season. He and Commissioner Stupp have discussed scheduling various tasks before the election cycle in the Queens Office. He noted that some Board forms do not change every year. Ms. Sandow stated that the forms can be addressed sooner. She noted that there is no excuse for an error. President Polanco suggested ratifying the decision of the Commissioners' Executive Committee which is to allow those affidavit ballot envelopes to be recanvassed, the ones otherwise valid opened, the valid ballots counted and recorded, and the appropriate certifications revised in accordance with the correct tallies. Commissioner Umane requested to discuss this matter further. He stated that while an error was made, there was a place on the affidavit ballot envelope to indicate the Party. The Inspectors were trained to review a filled out Affidavit ballot envelope and could have found this error. Commissioner Umane stated that the Board should not disqualify those voters from their vote. He noted that approximately five (5) years ago there was no space on the affidavit ballot envelope to indicate a Party which occurred during the English to Spanish translation. He stated that he does not want the Board to set a precedent for the future because there

was a space on the affidavit ballot envelope to indicate the Party, but it was not in the right spot. Commissioner Umame suggested a friendly amendment to the Executive Committee's report. Mr. Richman suggested the following language which was adopted in 2006, which states, "Without setting a formal precedent, by finding that the affidavit ballot envelopes in question fall within the meaning and intent of Section 9-202(2)(a)(2) of the NYS Election Law in this unique circumstance." The Executive Committee agreed to amend their decision. The Commissioners unanimously ratified the Executive Committee's decision as amended. President Polanco inquired if those results will be recertified at the next meeting. Ms. Sandow replied yes.

Mr. Ward presented the Comparative Expenditures Report dated October 18, 2011. A copy of the report is in the agenda.

Mr. Ward presented a draft response letter addressed to the Office of Management and Budget (OMB). He distributed copies of the draft to the Commissioners. Mr. Ward reported that the Board has a structural deficit in Personal Services (PS) funds. Commissioner Umame asked if the amount of 52,000 Poll Workers was correct because the Board generally hires 36,000 Poll Workers per election. Mr. Ward replies yes; it is the total

amount of active and inactive Poll Workers in the system that have NYC Employee I.D. numbers. Mr. Ward requested to send the draft letter to OMB. President Polanco moved to adopt the response letter to OMB. Commissioner Dent seconded the motion, which was adopted unanimously.

President Polanco announced that the U.S. Department of Justice (DOJ) has pre-cleared the project for posting ballots online. He stated that it is great for the voters of the City of New York and the Board. President Polanco thanked the good government groups, NYC Council Member Gale Brewer, Mr. Savino and Mr. Richman for expediting this issue to the DOJ.

Commissioner Schacher requested to discuss her Brooklyn personnel matter in public session. She requested to authorize a grant of one (1) month sick leave time for Richard Kanar, a Clerk in the Brooklyn Office, who has ten (10) years of service with the Board and has exhausted all of his accrued time. Commissioner Barrera reported that the Commissioners' Human Resources Sub-Committee discussed this matter and agreed to grant the sick leave time. Commissioner Dent seconded the motion, which was adopted unanimously.

President Polanco moved to convene an Executive Session to discuss a litigation matter. Commissioner Dent seconded the motion, which was adopted unanimously.

Following the Executive Session, the open public meeting resumed and President Polanco reported that no action was taken in Executive Session.

President Polanco moved to adjourn the meeting. Commissioner Sipp seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, October 25, 2011 at 1:30 P.M.