

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, OCTOBER 13, 2009
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR COMMISSIONERS' ROOM
NEW YORK, NY 10004

PRESENT: President Frederic Umane
 Secretary Julie Dent

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

Marcus Cederqvist, Executive Director
George Gonzalez, Deputy Executive Director
Steven H. Richman, General Counsel
John Owens, Jr., Director, Campaign Finance Enforcement
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Troy Johnson, Coordinator, Candidate Records Unit
Stephen Graves, Administrative Associate, Candidate Records Unit
Tom Sattie, Associate Staff Analyst, Candidate Records Unit
John Wolf, Project Coordinator, Candidate Records Unit
Daniel Lavelle, Supervisor, Phone Bank
Anthony Andriulli, Deputy Chief Clerk, Staten Island Borough Office
Lisa Sattie, Administrative Associate, Staten Island Borough Office
Greg Lehman, Chief Clerk, Manhattan Borough Office
Tim Gay, Deputy Chief Clerk, Manhattan Borough Office
Diane Rudiano, Chief Clerk, Brooklyn Borough Office
Maryrose Sattie, Deputy Chief Clerk, Brooklyn Borough Office
Dawn Sandow, Deputy Chief Clerk, Bronx Borough Office
Anna Torres, Deputy Chief Clerk, Bronx Borough Office
Christopher Manos, Temporary Attorney, Office of the General Counsel
Charles S. Webb, III, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Marjorie Shea, Women's City Club
 Teresa Hommel, Community Church of New York
 Alan Flacks, Member of NY County Democratic Committee

Mary Lou Urban, LWVNYC
Rima McCoy, CIDNY
Jerome Koenig
Mark B. Herman

President Umame called the meeting to order at 1:35 P.M.

Commissioner Schacher requested to add a Brooklyn personnel matter in public session.

The General Counsel called upon the Chief and Deputy Chief Clerks for the five (5) boroughs who presented the Statement and Return of Canvass for City Comptroller and Public Advocate contests from the September 29, 2009 Runoff Primary Election for certification.

Anthony Andriulli, Deputy Chief Clerk, and Lisa Sattie, Administrative Associate, on behalf of Sheila DelGiorno, Chief Clerk, requested that the Board of Canvassers certify the Statement and Return of Canvass for the Democratic Runoff Primary for City Comptroller and Public Advocate contests in Richmond County. There were no reported discrepancies. Commissioner Sampel moved to certify the Statement and Return of Canvass for the September 29, 2009 Democratic Runoff Primary in

Richmond County. Commissioner Sipp seconded the motion, which was adopted unanimously.

Diane Rudiano, Chief Clerk, and Maryrose Sattie, Deputy Chief Clerk, requested that the Board of Canvassers certify the Statement and Return of Canvass for Democratic Runoff Primary for City Comptroller and Public Advocate contests in Kings County. There were no reported discrepancies. Commissioner Schacher moved to certify the Statement and Return of Canvass for the September 29, 2009 Democratic Runoff Primary in Kings County. Commissioner Sampel seconded the motion, which was adopted unanimously.

Greg Lehman, Chief Clerk, and Tim Gay, Deputy Chief Clerk, requested that the Board of Canvassers certify the Statement and Return of Canvass for Democratic Runoff Primary for City Comptroller and Public Advocate contests in New York County. There were six (6) reported discrepancies which were explained and did not affect the outcome of the election results. Commissioner Soumas moved to certify the Statement and Return of Canvass for the September 29, 2009 Democratic Runoff Primary in New York County. President Umane seconded the motion, which was adopted unanimously.

Commissioner Araujo moved that the Board of Canvassers certify the Statement and Return of Canvass for Democratic Runoff Primary for City Comptroller and Public Advocate contests in Queens County. There were no reported discrepancies. Commissioner Stupp seconded the motion, which was adopted unanimously.

Commissioner Polanco respectfully requested that the Bronx report be delayed until the Bronx Deputy Chiefs arrived.

Secretary Dent moved to adopt the minutes of September 14, 2009 and September 16, 2009, with any necessary corrections. Commissioner Sampel seconded the motion, which was adopted unanimously.

The Executive Director presented the HAVA report. He previously reported that the State Board and Election Commissioners Association had a conference call last week to discuss the HAVA Pilot Program. Mr. Cederqvist could not participate, so he had an EVS staff member listen and take notes of the conference call. The summary report is in the agenda. Mr. Cederqvist reported on the main issues that need improvement. The State Board recognized that voter privacy issues need more focus. Poll workers were found to be hovering too closely over voters

and people felt that their ballot could be seen by other voters. Also, traffic flow needs improvement; Inspectors need to adhere to the plan. Another area which needs improvement is Ballot Marking Device (BMD) start up times. The polls were a little longer setting up than before with lever machines. Some suggested an earlier start time for poll workers and the State Board is working on a BMD technical solution with the vendor. The county boards raised questions about the 3% audit. The State Board is reviewing the regulation and they may make a decision about it in December in time for the 2010 elections. Mr. Cederqvist reported that the State Board will do a presentation on the HAVA Pilot Program at the ECA conference in January.

The Executive Director reported that the Financial Management System (FMS2) will be shut down for conversion to the new FMS3 system for two (2) weeks from Dec. 18, 2009 throughout January 3, 2010. During this period no contracts, purchase orders, or payments can be made. There will be staff training for the new FMS3 system. President Umane inquired if the FMS2 system shut down will affect the poll workers' checks. The Finance Officer replied that the poll workers' information is planned to be entered into the system by November 25, 2009 before the shut down. Secretary Dent inquired if there is a back up plan if the new system is not in

place in time. Mr. Ward stated that the poll workers should receive their pay checks by December 25, 2009. Commissioner Polanco inquired when the poll workers usually receive their pay checks. Mr. Ward replied that it usually takes six (6) to eight (8) weeks after an Election. Commissioner Polanco wanted to ensure that the poll workers receive their pay checks by Christmas.

The Executive Director reported on the New York State Senate Standing Committee on Elections Hearings which was held on October 9, 2009. He was joined by Commissioner Polanco, Deputy Executive Director, Administrative Manager, General Counsel, Director of Campaign Finance Enforcement and Temporary Attorneys. The Deputy Executive Director presented the testimony on behalf of the Board. Commissioner Polanco commended the senior staff for doing a fantastic job. He noted that Bill DeBlasio offered some recommendations for the Board. After he testified, Commissioner Polanco spoke with Mr. DeBlasio personally regarding pro Board issues. Mr. DeBlasio and his Chief of Staff stated that they will take his comments into consideration. Commissioner Polanco reported that he discussed the issue of the Board's pay equity and clarified that the Board is an independent, non-mayoral agency. The Board staff is paid 30% less than other City agencies. He also thanked the good

government groups that were present at the hearing.

The General Counsel reported that the New York State Assembly Standing Committee on Election Law together with the Committees on Education and Libraries will hold a hearing on October 22, 2009. The notice of the hearing is in the agenda. The hearing is to examine the New York State's implementation of the Help America Vote Act by the State Board of Elections, local boards of elections and other public entities that conduct elections, such as school districts, public and association libraries. Mr. Richman requested authorization to appear at the hearing and to submit similar testimony to that which was submitted at the NYS Senate Standing Committee on Elections Hearing on October 9, 2009. President Umane moved to authorize the Board to appear at the hearing and to use similar testimony to that used for the October 9, 2009 hearing with the appropriate modifications. Secretary Dent seconded the motion, which was adopted unanimously.

President Umane opened the floor for brief comments from Teresa Hommel, a member of the public.

Commissioner Polanco inquired if the testimony should include a

number of the minimum funding the Board needs. The Deputy Executive Director stated that the Board does not have an official, accurate number yet because it is currently being reviewed. The Board should have a determination in a couple of weeks. Commissioner Polanco felt it would help if the Board had an official number. President Umame stated that the number should be given to the Office of the Mayor and City Council, not State Legislature. Mr. Cederqvist added that the State Board is currently creating regulations for the new voting systems, so it will be tough to make a calculation until the City Board gets a better sense of what is going to be obligated. Mr. Richman noted that Special Elections, sizes of the elections and staffing with the new voting systems will also be considered. Secretary Dent stated that Commissioner Polanco has a great idea, but if it can't be implemented right now it would be helpful in the future.

President Umame opened the floor for brief comments from Jerome Koenig, a member of the public.

Anna Torres, Deputy Chief Clerk, and Dawn Sandow, Deputy Chief Clerk, requested that the Board of Canvassers to certify the Statement and Return of Canvass for Democratic Runoff Primary for City Comptroller and Public Advocate contests in Bronx County. There were four (4) reported

discrepancies which were explained and did not affect the outcome of the election results. Commissioner Silie moved to certify the Statement and Return of Canvass for the September 29, 2009 Runoff Primary in Bronx County. Commissioner Polanco seconded the motion, which was adopted unanimously.

On behalf of the Commissioners, President Umane expressed gratitude to all borough offices for their hard work conducting the September 29, 2009 Runoff Primary Election and responding with quick and accurate results.

President Umane moved to authorize the use of the Commissioners' stamps on the Statement and Return of Canvass for the contests certified at this meeting. He designated Commissioner Schacher's stamp for New York County and Commissioner Sampel's stamp for Kings County in addition to the President and Secretary and Borough Commissioners as applicable. Secretary Dent seconded the motion, which was adopted unanimously.

The Coordinator of the Candidate Records Unit requested authorization from the Commissioners to send two (2) Notice to Candidates

letters. The notices are in the agenda for review. Mr. Johnson stated that the dates will be revised on the notices.

President Umame opened the floor for brief comments from Rima McCoy, a member of the public.

The Coordinator of the Candidate Records Unit will make the necessary typographical corrections regarding the tallying of the BMD ballots. President Umame moved to adopt the two (2) Notice to Candidates letters with an amendment to change the language of the tallying of the BMD ballots. Secretary Dent seconded the motion, which was adopted unanimously.

The Finance Officer presented the Vacancy Report dated October 13, 2009. Mr. Ward stated that he will submit on the OTPS report at next week's meeting. Commissioner Polanco requested an emailed tutorial explaining OTPS. Mr. Ward will email the Commissioners a tutorial.

Commissioner Schacher moved to advance 210 hours of sick leave retroactive to September 30, 2009 for Jan Volkman, a Voting Machine Technician in the Brooklyn Voting Machine Facility. Secretary Dent

seconded the motion, which was adopted unanimously.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, October 20, 2009 at 1:30 P.M.