

THE MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, JULY 27, 2010
AT 1:30 P.M.
42 BROADWAY, 7th FLOOR EXECUTIVE UNIT
NEW YORK, NY 10004

PRESENT: President Julie Dent
Secretary Juan Carlos "J.C." Polanco

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

George Gonzalez, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Owens Jr., Director, Campaign Finance Enforcement
Dorothy Delayo, Director, Personnel
John Ward, Finance Officer
Valerie Vazquez-Rivera, Director, Communications and Public Affairs
Steven Ferguson, Director, MIS
John Naudus, Senior Systems Analyst, MIS
Lucille Grimaldi, Manager, Electronic Voting Systems
Nicholas Zimmitti, President, Union Local 1183
Gregory Lehman, Chief Clerk, Manhattan Borough Office
Curt Sawyer, Consultant, Gartner
John Malone, Consultant, Gartner
Kate Nowadly, Law Student Summer Intern
Ted Anastasiou, Law Student Summer Intern
Jeremy Fredericksen, Temporary Attorney, OGC
James Barron, Temporary Attorney, OGC
Charles Webb, III, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Jon Stockman, NYDLC
Andrew Schwartz, City Hall Newspaper
Isaac Dovere, City Hall Newspaper
Ken Carbulido, ES&S
Marjorie Shea, Women's City Club
Andrew Sider, Citizens Union

Rima McCoy, CIDNY
Stewart Armstrong, VAC
Alan Flacks, Member of NY County Democratic Committee

President Dent called the meeting to order at 1:38 P.M.

Commissioner Schacher moved to table the minutes of the June 8, 2010 Commissioners' Meeting. Commissioner Araujo seconded the motion, which was adopted unanimously.

Commissioner Araujo moved to table the minutes of the June 8, 2010 Finance Committee Meeting. Commissioner Barrera seconded the motion, which was adopted unanimously.

Mr. Gonzalez presented the HAVA update. He summarized the status for scanners as of July 27, 2010 and the delivery of equipment report. Copies of the reports are in the agenda.

Mr. Gonzalez reported on the temporary employee staffing plan at the Voting Machine Facilities (VMF) during the 2010 voting system election setup and testing. He recalled that he brought this item to the Commissioners' attention at the previous meeting. A copy of the proposal

is in the agenda. Mr. Gonzalez requested to hire a total of 66 temporary employees citywide to assist the Voting Machine Technicians (VMTs) with various tasks that include assembling and managing testing materials and supplies, test deck construction and scanning, and ED supply cart preparation. Commissioner Soumas requested for 22 additional temporary employees in the Manhattan VMF. Commissioner Umane inquired if it will include training the temporary staff. Mr. Gonzalez replied yes. Commissioner Soumas moved to approve Mr. Gonzalez's request to hire additional temporary employees to assist the VMTs. Commissioner Sipp seconded the motion, which was adopted unanimously.

Mr. Gonzalez recalled that last week he reported that the State Board is in the process of providing the certification of the candidates to appear on the Primary Election ballots. To this date, the State Board has not responded to the City Board's inquiry which is delaying to complete work in various systems to prepare for the production of the ballots. Mr. Gonzalez requested for authorization for the City Board to use the public unofficial list on the State Board's website concerning the statewide candidates in order to start populating various fields. Commissioner Umane clarified that this would only be for the Party Primaries on September 14, 2010. Mr. Gonzalez stated that this delay is also affecting

the assignment of Election Districts. Secretary Polanco moved to authorize the City Board to use the State Board's unofficial candidate list to populate the Board's candidate's system for those primaries being held on September 14, 2010. Commissioner Umane seconded the motion, which was adopted unanimously.

Mr. Gonzalez reported on the meeting with Corporation Counsel and Counselor to the Mayor which was held last week. In attendance were President Dent, Secretary Polanco, Commissioners Ryan and Umane, Mr. Gonzalez, Ms. Perkins, Mr. Richman and Ms. Vazquez-Rivera. Board staff explained the implementation of the new voting system and the Public Education Campaign. Mr. Gonzalez stated that they understood the Board's budgetary concerns, but suggested to forward the questions and comments to the Office of Management and Budget (OMB). The Counsels reviewed a sample of the Board's public demonstration test ballot and raised some questions about the layout and how using and scanning the ballots effects the voters. Board staff explained the process to them. There was another issue raised concerning the legal language of the instructions that was noted on the ballot. Mr. Richman stated they had concerns specifically with the location of the public ballot questions, if any, the instructions are small type and it does not clearly indicate turning over

the ballot to vote on the other questions. Executive Management recommended adding clear and bolded questions to the face of the ballot. Commissioner Soumas inquired if the budget would be increased to add the additional language and instructions on the ballot. Mr. Richman stated that the Corporation Counsel followed-up with him and he stated that they briefed the Mayor. The Mayor shared the concerns that the voters will not clearly see where the ballot questions are and urged the Board to consider modifying the format of the ballot. Mr. Richman indicated to the Corporation Counsel that the form of the ballot is required by statute which has recently been modified and must be approved by the State Board. Commissioner Umane agreed that the Board would look into the matter and he recalled that on the lever machines there used to be arrows at the bottom leading voters to the propositions. Secretary Polanco stated that it was a great meeting and thanked the Board staff for doing a phenomenal job. He noted that they offered to assist the Board's separate public education website. Ms. Vazquez-Rivera reported that DOITT committed to hosting the website at a savings of \$36,000. Mr. Gonzalez reported that another top discussed was to get the 3-1-1 Call Center more involved with regard to answering certain questions such as, "Am I registered?" and "Where do I vote?" Executive Management noted that they would have to get authorization from the Commissioners and to discuss further because

the Board needs to control information may cause confusion to an outside source. They stated that they would have to look into the matter and report back to them at a later date. Ms. Vazquez-Rivera stated that she could prepare a Frequently Asked Questions (FAQs) script concerning the new voting system for 3-1-1 and present it to the full Board for approval. Commissioner Soumas stated that in the past, the Board had experiences with collection agencies, and the like, trying to use the Board's database for their purposes. He would like to avoid that to protect the voters' privacy to the extent possible and would oppose sharing the database. Commissioner Soumas noted that it is a statewide database and people can access their own personal information to research their poll site. He feels that privacy paramounts access. Commissioner Umane agreed with Commissioner Soumas and suggested for 3-1-1 to use a general FAQs script this year and evaluate for next year. Commissioner Umane moved to continue the Board's policy of restricting access to the database, but consider and to work with the 3-1-1 Call Center on issues that are more generic such as new voting machine information, and to continue providing, "Where do I vote?" questions based on an address provided. President Dent seconded the motion, which was adopted unanimously.

Commissioner Sipp requested to add an Executive Session to discuss a Staten Island personnel matter.

President Dent requested to discuss a Brooklyn personnel matter in Public Session.

Mr. Sattie reported on matter concerning the Military and Absentee Ballots. He stated that every year he requests approval to cut-off the absentee ballot at the end of the Board's Hearings to begin printing and delivery to the Borough Offices. Commissioner Soumas moved to approve Mr. Sattie's request. Commissioner Umame seconded the motion, which was adopted unanimously.

Mr. Richman requested approval from the Commissioners to reaffirm the past policy to enforce the law and resist any attempt to make the Board reprint absentee ballots after they are mailed. Commissioner Soumas moved to approve Mr. Richman's request. Commissioner Schacher seconded the motion, which was adopted unanimously.

Mr. Ferguson reported that he was contacted by SCYTL, a company that was hired by the State Board in connection with the Department of

Defense, to construct a webpage that will help the MOVE Act. SCYTL requested on Friday for the Board to participate in a conference call which was held yesterday. It was an introductory call concerning their plans for implementation for the 2010 General Election. Mr. Ferguson stated that SCYTL would need the following requirements from the City Board:

- Voters involved in the event
- Districts associated with the voter (ED/AD)
- Ballot for that district

Commissioner Umane stated that this would not be a small task because there are hundreds of ballot styles. He recalled that last year the Board was looking into implement that citywide so voters could have the opportunity to view their ballots, but there was not enough time. Mr. Richman stated that if this gets implemented then an overseas voter could send an email request for a ballot, then the Board will “snail mail” the ballot and application, and then the voter will mail it back to the Board. The ballots would be hand canvassed. Commissioner Umane stated that the Board has to cooperate with this implementation because it is federal law. President Dent added that this matter was addressed at the State Board Conference in Lake Placid, NY as well.

Mr. Sattie presented the proposed plan for last minute ballot changes. A copy of the plan is in the agenda. Mr. Sattie stated that Board staff had internal meetings on how to prepare for last minute ballot changes within the new Poll Site Voting System (PVS). He summarized the plan to the Commissioners and requested for approval. Commissioner Umane moved to adopt the plan for last minute ballot changes. Secretary Polanco seconded the motion, which was adopted unanimously.

Mr. Johnson reported on the number of petitions and line-by-line specifications filed per borough. Mr. Gonzalez stated that he would like to set a borough schedule for the hearings this Thursday and Friday based on the volume of specifications. Commissioners Sipp, Stupp, Umane and Schacher requested for Friday hearings for their respective borough. Mr. Gonzalez proposed to speak to the Borough Managers to inquire how many specifications they have completed and to present what they completed. Mr. Richman stated that a borough may present twice at the hearings and a Public Notice will be posted on the Board's website. Commissioner Umane strongly encouraged the Borough Offices to complete their specifications by Thursday or Friday because it is a tight schedule with the courts. Mr. Gonzalez stated that the Borough Offices are working mandatory overtime on the specifications. After the meeting,

Mr. Gonzalez and Ms. Perkins will develop a schedule for the hearings and send an email to the Borough Managers and Commissioners.

Mr. Zimmitti, President of the Union Local 1183, reported that in the contract when a staff member works after thirteen (13) straight days, one (1) day off is the standard. He noted that today is the sixteenth (16) straight day of work for some staff members. Executive Management stated that staff has been on voluntary overtime and mandatory overtime went into effect on July 24, 2010. Mr. Gonzalez stated that the Board has received Court Orders for extended hours in the Bronx and Manhattan Borough Offices, but it was not mandatory overtime.

Ms. Vazquez-Rivera presented the Public Education Report. She reported that there have been 77 public demonstrations with a total of 4,340 participants. In addition, there are 122 public demonstrations scheduled. She distributed the Board's Public Education pens to the Commissioners. The pens will be distributed at the demonstrations. The public education advertisements will begin running on August 2, 2010 in community and ethnic newspapers. Ms. Vazquez-Rivera reported that the Board has been trying to obtain more real estate on the existing Board's website and to maintain brand consistency with the campaign. She

presented a storyboard with the “Vote the New Way” image which will replace the image of the Statue of Liberty on the Board’s website. If a voter clicks on the new image it will take them to the public education website. Ms. Vazquez-Rivera requested approval on this change. Commissioner Stupp moved to approve the new image on the Board’s website. President Dent seconded the motion, which was adopted unanimously.

Ms. Vazquez-Rivera reported that DOITT committed to provide hosting for the Public Education website which is a savings of \$36,000. She will email the legal service agreement to the Commissioners once she receives it.

Ms. Vazquez-Rivera stated that she is working on the Public Service Announcement (PSA) with NYCTV. She is working with the Taxi and Limousine Company (TLC) to place a 30 second PSA in the back of the taxi cabs at no cost to the Board. President Dent stated that it is an excellent plan.

Ms. Vazquez-Rivera recapped that the surround sound for public education consists of PSAs, ads in local and ethnic newspapers, radio spots, earned media, website, outdoor ads such as bus shelters and in

subway/train cars, Staten Island Ferry and posters placed next to MTA MetroCard vending machines at savings of \$75,000 per month. President Dent stated that Ms. Vazquez-Rivera and Ms. Perkins have been reaching out to the elected officials as well to inquire if they would place an ad in their newsletter to reach out to the public.

Ms. Vazquez-Rivera reported that the Board participated in the Public Advocate's Town Hall Meeting in Upper Manhattan and there were 70 participants.

Mr. Richman presented the draft Calendar for the Independent Nominating Petitions for the November 2, 2010 General Election. He requested approval of the draft calendar. President Dent moved to adopt the Calendar for the Independent Nominating Petitions for the November 2, 2010 General Election. Commissioner Barrera seconded the motion, which was adopted unanimously.

Mr. Richman requested for an appointment of a Cover Sheet Review Committee for today. Commissioners Soumas and Stupp volunteered to serve on the committee.

Mr. Lehman and Mr. Sawyer presented the 2010 Poll Worker Procedures Summary Guide. Mr. Lehman stated that he is representing for Ms. Rudiano and Ms. Sattie, the Leads of the Poll Worker Training Committee. Mr. Sawyer distributed copies of the guide to the Commissioners. The summary guide will be used in addition with the Poll Worker's Manual to reinforce the understanding of the key concepts and materials used on Election Day. The guides would be produced in color; 35,000 copies produced at a total cost of \$20,734 using Vanguard. Commissioner Umame was concerned that the summary guide is long and is afraid of overloading the poll workers. Commissioner Schacher stated that it is an excellent guide because it is printed entirely in color and includes a lot of pictures. Commissioner Stupp stated that the summary guide is vital for the poll workers. President Dent noted that this guide was emailed to the Commissioners last week for review. Commissioner Schacher moved to approve the 2010 Poll Worker Procedures Summary Guide. Commissioner Barrera seconded the motion with Commissioner Soumas opposing. The motion was adopted.

Mr. Ward presented the Comparative Expenditures dated July 27, 2010.

President Dent moved to grant an advance of 210 sick leave hours for Francis Leon, Clerk in the Brooklyn Borough Office. Commissioner Schacher seconded the motion, which was adopted unanimously.

Commissioner Sipp moved to grant an advance of 210 sick leave hours for Gudrun Vogler, Administrative Assistant in the Staten Island Borough Office. Commissioner Araujo seconded the motion, which was adopted unanimously.

President Dent reminded the staff and the members of the public that the Public Hearings are scheduled for Thursday and Friday.

Commissioner Umane moved to convene an Executive Session. President Dent seconded the motion, which was adopted unanimously.

Following the Executive Session, the open public meeting resumed and President Dent reported the action that was taken in Executive Session:

- I. For the purposes of reviewing a Staten Island matter, President Dent designated Commissioner Araujo in place of Commissioner Ryan.

Commissioner Barrera moved to adjourn the meeting. Commissioner Araujo seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, August 3, 2010 at 1:30 P.M.