

THE MEETING OF
THE COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, NOVEMBER 15, 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, 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 Enforcement
John Naudus, Manager, Electronic Voting Systems
Rachel Knipel, Coordinator, Language Assistant Program
Steven Ferguson, Director, Management Information Systems
John O'Grady, Chief, Voting Machine Technician
Daniel Lavelle, Supervisor, Phone Bank and Front Counters
Thomas Sattie, Coordinator, Ballots
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
Kevin Maloney, Citizens Union
Liz Brown, for Council Member Gale Brewer
Stewart Armstrong, Campaign Finance Board
Charlie Laramy, ES&S
J. A. Koenig
Cathy Gray
John D. Smith
Garth Marchant

Bishop Best
A.B. Britton
M. Blume
Alan Flacks, Member of NY County Democratic Committee

President Polanco called the meeting to order at 1:33 P.M.

President Polanco moved to adopt the minutes of the November 1, 2011 meeting. Commissioner Dent seconded the motion, which was adopted unanimously.

Ms. Sandow requested to discuss a personnel matter in Executive Session.

Mr. Naudus reported on the Election Night Reporting (ENR) Pilot which was conducted in Queens County on November 8, 2011. Board and NYPD staff conducted a parallel test on the process of bringing back Portable Memory Devices (PMDs) on Election Night to the Voting Machine Facility (VMF) to read the results. The Poll Workers took the PMDs out of the machines with the last copy of the results tape, placed into a small pouch, then placed into a large bag. The NYPD sent a detail to collect the large bags and to deliver it to the Queens VMF. Queens staff was waiting

for deliveries at 9:00 P.M. The first bag was delivered by the NYPD at 10:50 P.M. The processing of bags continued until 3:20 A.M. The average time to process a bag was approximately 40 minutes. Mr. Naudus stated that there were some issues with the materials that were delivered back to the Queens VMF. 200 bags were returned without the Election Night Results Form. The form tracks the process by the Poll Workers and Police Officers. The Board had to reprint the forms and place them in the bags to complete the process. Mr. Naudus reported that out of the 315 poll sites, 50 bags were returned with the PMDs, but no other materials, so Board staff had to recombine manually before the results were processed. The mock Election Night took approximately 20 minutes to process a bag, but due to these issues it took approximately 40 minutes. The NYPD numbers were 9% less than average from the Board's numbers in the old process. The Board has a 1% difference and the actual results of the scanners in the new process. The Board gained accuracy in the new process. Mr. Naudus noted that the process would have been smoother if all bags were delivered with all necessary materials. President Polanco inquired how long the pilot took to upload the results from the PMDs. Mr. Naudus replied approximately 4 hours. He stated that he is scheduling a meeting with the NYPD representatives to discuss this matter for the future. The Police Officers and Poll Workers will have to coordinate all of the PMD materials

better in the future. Commissioner Umane asked if the Poll Workers were trained for this extra step for the pilot. Mr. Naudus replied yes. President Polanco stated that the Poll Worker training needs to be improved. Commissioner Umane asked if there is any information from the NYPD staff as to why it took approximately 2 hours to deliver the initial PMD bags to the Queens VMF. Mr. Naudus stated that there will be a meeting with the NYPD to discuss this issue.

President Polanco noted that Secretary Soumas joined the meeting.

Commissioner Stupp stated that the Queens staff anticipated that the Police Precinct which was closest to the Queens VMF would deliver the bags soonest. She learned that the Poll Workers did not cooperate with the Police Officers in the new process. Mr. Naudus stated that he will investigate the matter further with the NYPD representatives. Commissioner Schacher noted that the Police Officers were trained in this new process as well.

Mr. Naudus reported on the post General Election activities which started in each borough on November 10, 2011 and will continue until completion. The only exception is the canvass of Absentee, Affidavit and

Military ballots, which will start on November 16, 2011. The following is a breakdown by borough for each activity as of today:

| | Manhattan | Bronx | Brooklyn | Queens | Staten Island |
|--|------------------|--------------|-----------------|---------------|----------------------|
| Read Portable Memory Devices (PMDs) | 99% Done | Complete | 97% Done | Complete | Complete |
| Record Write-In Names from Poll Site Ballots | Not Started | 94% Done | 24% Done | 98% Done | 94% Done |
| Re-Canvass of Poll Site Ballots | Not Started | Not Started | Not Started | 30% Done | Complete |
| Statutorily Required Audit of Scanners | Complete | 3% Complete | 96% Done | Complete | Complete |
| Re-Canvass of Emergency Ballots | Complete | Not Started | Complete | Not Started | None |
| Canvass of Absentee, Affidavit and Military Ballots | Not Started | Not Started | Not Started | Not Started | Not Started |

Commissioner Stupp thanked the Queens Office and VMF staff for their hard work during the pilot process. She is happy that there is only a 1% discrepancy between the pilot's numbers and the numbers to certify. Commissioner Stupp recommended for Board staff to work on less complicated instructions for the Poll Workers for the next election.

Mr. O'Grady presented the 2011 General Election Day Status Report on Scanners and Ballot Marking Devices (BMDs). He reported that 12 out of the 2,218 Scanners that were deployed need to be replaced which is .0043%. 8 out of the 1,430 BMDs that were deployed need to be replaced

which is .0056%. Mr. O'Grady reported on Call Center incidents citywide. A total of 709 calls were related to scanners and 184 were related to BMDs.

Mr. O'Grady reported on the Ballot Bin Liners, Yellow Bags and Yellow Pouches Retrieval Pilot in Bronx County. He stated that the Bronx VMF implemented a barcode scanning system which was successful in tracking the equipment. The process will be refined and implemented citywide.

Commissioner Schacher asked why the scanners had to be replaced on Election Day. Mr. O'Grady stated that ES&S staff will diagnose the voting equipment and research the Call Center incident tickets. There will be an audit log comparison from the 2010 General Election and the 2011 General Election as well. The process will take approximately 2 weeks. Commissioner Schacher inquired what the issues could have been on Election Day. Mr. O'Grady stated that there were some ballot jams and calibration issues. Commissioner Stupp stated that she was concerned about the BMDs replacement even though it was a low number citywide. Mr. O'Grady stated that the BMDs were purchased in 2008 and he will provide a plan on BMD preventative maintenance within 2 weeks. There

will be a comprehensive BMD training program for the Board's VMF Technicians and ES&S staff in December 2011 and January 2012.

Mr. O'Grady reported that all of the equipment has been returned to Staten Island, Bronx, and Queens VMFs. Manhattan is waiting for delivery from 1 poll site and Brooklyn is waiting for delivery from 11 poll sites.

Mr. Lavelle reported on Phone Bank Calls on General Election Day. There were a total of 1,498 calls from 6:00 A.M. – 9:00 P.M. The Executive Office Phone Bank received 963 calls and the Staten Island Phone Bank received 535 calls. The majority of the calls were questions such as, "Am I registered to vote?", "Where do I vote?", and "Who's running for office?"

Mr. Lavelle reported on Call Center II - Election Day Response System. Call Center II is a computer application that is used to log in complaints on Election Day. Once that data is entered into the system, a dispatcher then assigns the problem to the teams in the field. The team calls back the Call Center when the problem is resolved. The Borough Offices have a prompt based phone system on Election Day to route call by problem type. The VMF Technicians can resolve some problems over the phone without wasting resources to be deployed to the poll site.

Mr. Lavelle and staff developed an in-depth training plan with an emphasis on classifying calls correctly, held training classes at the Executive Office, held a series of mock elections, developed Train the Trainer program for the Borough Office staff, and visited all Borough Offices and VMFs prior to Election Day. In addition, MIS staff developed step-by-step training videos.

Mr. Ferguson reported on the amount of hits on the Board's website on General Election Day. There were a total of 7,575 hits on the Sample Ballots feature and 9,584 on the Poll Site Locator feature. Commissioner Umane inquired if the Board's website was overwhelmed on Election Day. Mr. Ferguson replied no.

Mr. Thompson reported on the status of Poll Workers on General Election Day. A total of 31,698 Poll Workers were assigned citywide and the actual attendance will be available in 2 weeks after the time sheets are reviewed. In the 2007 General Election, 35,000 Poll Workers were assigned and 29,000 worked. In the 2010 General Election, the first election with the new voting systems, 32,635 Poll Workers were assigned and 30,500 worked. In addition, the Poll Clerk number has been reduced over the years from 4,600 in 2007, 3,600 in 2010, and 2,600 in 2011. The

number of Poll Clerks has been reduced as they understand the new voting systems better.

Ms. Knipel reported on Interpreter assignments on General Election Day. She distributed copies of a report to the Commissioners. Ms. Knipel stated that 922 Chinese, 192 Korean and 991 Spanish Interpreters were assigned citywide. In addition, she received a letter from the Asian American Legal Defense and Education Fund (AALDEF) dated October 24, 2011 concerning observations of the 2011 Primary and Special Elections at select poll sites in Brooklyn and Queens. A response letter was sent on November 7, 2011 which is included in her report. Ms. Knipel stated that AALDEF is generally pleased with the Board and sent a thank you email for looking into all of the matters they have submitted. The next Language Assistance Program (LAP) Advisory Meeting will be scheduled in January 2012 and Interpreter outreach will be ongoing. Commissioner Umame stated that the Board received a notification regarding a necessity in Queens County to add Asian-Indian as an additional language. He asked if Ms. Knipel started focusing on that issue. Ms. Knipel noted that there are potentially 17 specific different languages. Mr. Richman stated that a representative from the Department of Justice (DOJ) contacted him concerning this matter. DOJ mailed a letter with explanatory materials to

the Queens Chief and Deputy Chief Clerks concerning this matter, but they have not received the letter to this date. Mr. Richman has spoken with a representative of the NYC Law Department who has discussed this matter with a representative of the NYC Department of City Planning (DCP). Mr. Richman stated that his view of the Code of Federal Regulations requires the Board to provide full range of services to the predominant language, but questions which jurisdiction the plan targets. Board and Law Department staff asked DCP staff to help identify which Asian-Indian languages, out of the 17, per Assembly District should be used. There may be different languages used in different parts of the borough. Commissioner Schacher inquired if there were any LAP problems in Kings County on Primary Election Day. Ms. Knipel replied no. Secretary Soumas asked Mr. Richman when the DOJ will inform the Board of which, or all, of the 17 languages are required. Mr. Richman stated that the Board has to develop a plan and he is waiting for the DOJ materials to review. He hopes to have a presentation for the Commissioners within the coming weeks. The plan will be implemented for the 2012 Presidential Primary in Queens County. Commissioner Umame stated that if 17 different languages are to be used at the poll sites, then theoretically, 34 Board Interpreters (1 Democratic and 1 Republican) need to be hired. He recommended for that information to be forwarded to the City Council and the Office of

Management and Budget (OMB). Mr. Richman stated that he has received a communication from AALDEF explaining their recommendation on which languages should be provided, which will be reviewed with the Commissioners. Commissioner Stupp inquired if an additional language could eliminate an existing language on the ballot in specific areas. Mr. Richman replied no. The direction of the Census Bureau designated Queens County for language assistance for Asian-Chinese, Asian-Korean and Asian-Indian. Secretary Soumas asked how many languages, out of the 17 dialects, that AALDEF recommended for Queens County. Ms. Knipel replied 3. President Polanco asked Mr. Richman if there will be financial consequences considered in the plan. Mr. Richman replied that he will incorporate that issue into the plan. President Polanco asked if the additional languages will decrease the font size on the ballot. Mr. Richman stated that the Commissioners have the choice of increasing the size of the font or to use a 2-page ballot. President Polanco asked if the Board's Phone Bank will need Interpreters as well. Mr. Richman replied yes; during the election season. President Polanco requested for Mr. Richman to work with Mr. Sattie on sample ballots which includes the additional languages and a 2-page ballot.

Ms. Vazquez reported on social media for the General Election. Pre-Election Day, the team facilitated a press conference and distributed a press release regarding the Board's achievement in posting online sample ballots. The Board's Outreach Team engaged with key media outlets and community groups prior to Election Day by deploying a "Top Ten Tips" release to share with their audiences before heading to the polls. The team also conducted media pitch calls to offer Commissioners for interviews and encourage Board messaging in upcoming Election Day coverage. The team facilitated a Spanish-language interview for Commissioner Polanco with Univision which took place the morning of November 4, 2011. The team facilitated an interview with NY1's "Inside City Hall" and President Polanco which took place on the evening of November 7, 2011. Once it aired, the team leveraged the interview via a blast email to all community groups and elected officials and posting on the Board's social media channels. Ms. Vazquez reported that on General Election Day an email was deployed to the Board's database of community organizations to encourage a last-minute push to educate NYC voters. Throughout Election Day, the team monitored key stakeholders' websites as well as social media outlets. Grand Central Partnership posted an article on their website which linked to helpful educational materials on the Board's website as well as listed out the "Top Ten Tips" for voters on Election Day. CIDNY posted

a link to the Board's Poll Site Locator and Sample ballot on their website. The team was successful in capturing video testimonial from a Board Poll Site Coordinator and a NYC voter that was later posted to the Board's YouTube page. Ms. Vazquez stated that since the Primary Election, the Board has kicked up its social media efforts in order to reach as many NYC voters as possible. On General Election Day, the team engaged with NYC voters through Facebook postings and Twitter messages, starting when the poll sites open and continuing until the poll sites closed. Throughout the day, the Board deployed close to 60 Twitter messages, directly responding to over a dozen Twitter messages from the #nycvotes handle. Information such as President Polanco's interview, Poll Site Locator, Online Ballot Feature, and Election Day updates were highlighted via Facebook postings. One key highlight was the Board's tagged posting on Live with Regis and Kelly's Facebook page, directing Kelly Ripa to the Board's Poll Site Locator feature. The Board made efforts to drive the social media community to the Board's website by sharing links which allowed us to track how many times they were clicked on and shared with others via Twitter or Facebook. Ms. Vazquez stated that the Board tweeted a link to the Poll Site Locator and Sample Ballot feature and was clicked on 135 times on Election Day after we tweeted the link at the Live with Regis and Kelly Twitter handle. In addition, this link was shared in over 20 tweets.

The Board tweeted a link to the “NY1 Online: Election Day Preview From The President Of NYC Board Of Elections - NY1.com” story and this link was shared via Twitter. Ms. Vazquez stated that the key highlights included:

- Mayor Michael Bloomberg posted a link to the Board’s Poll Site Locator and Sample Ballot in a tweet to NYC voters;
- City of New York’s Twitter handle “retweeted” messages pushed out through the @BOENYC Twitter handle;
- Immediate response to comments made on-air during the Live with Regis and Kelly Show. The team tweeted at the Live with Regis and Kelly Twitter handle and posted information on their Facebook page regarding where to go for information on locating poll sites and accessing online sample ballots;
- WPIX’s twitter handle “retweeted” messages pushed out through the @BOENYC Twitter handle;
- Election Assistance Commission (EAC) continually “retweeted” messages pushed out through the @BOENYC Twitter handle throughout the day.

Ms. Vazquez stated that she looks forward to expanding the Board’s social media presence even further as staff prepared for the 2012 Presidential Election cycle. President Polanco inquired about the feedback

concerning the ballots on the Board's website. Ms. Vazquez stated that she will compile a report for the next meeting.

Mr. Ward presented the Vacancy Report dated November 8, 2011. A copy of the report is in the agenda.

Mr. Ward presented the Comparative Expenditures Report dated November 15, 2011. A copy of the report is in the agenda.

Commissioner Umane asked if the structural budget shortfall is as much as they projected it to be. Mr. Ward replied no because there were cost reductions in various support and equipment.

Mr. Ward presented the FY12 Budget Update. He distributed copies of a report to the Commissioners. Mr. Ward recalled that President Polanco and Commissioner Araujo requested for a review of the FY12 budget at the previous meeting. Some costs have been reduced due to the light election cycle, cost conscious decisions made by the Commissioners and the efforts of the Executive Staff. They are not savings that can be returned to the City so the funds must be used to offset the Board's FY12 budget shortfall. There were cost reductions in trucking, ES&S technical

support, ballots, staff overtime, Poll Workers, after-hours car service and new contracts at better terms totaling approximately \$12.6 million dollars. A total of \$6 million dollars of the cost reduction was moved with the Commissioners' approval to cover costs of necessary and unfunded ES&S support and equipment. In addition, \$3 million dollars of overtime savings only reduces the existing Personal Services (PS) deficit. AD Monitor and Poll Worker reductions accounted for \$230,000 which is also against the PS deficit. The remaining \$3.4 million in Other Than Personal Services (OTPS) cost reductions are needed to cover other budget shortfalls. Commissioner Umane inquired about the funds for ES&S Phase II training and pre-election, Election Day, and post-election support for the Presidential Primary. Mr. O'Grady explained that the Board's VMF Technicians are being trained in a Phase I, Phase II and Phase III plan. There will be comprehensive training program on BMD Preventative Maintenance which will take 90 training days per borough. Mr. O'Grady noted that the warranty will still be applicable.

Secretary Soumas inquired if candidate Bill Clinton had a Primary Election in 1996 seeking a re-election. Mr. Richman replied no; candidate Bill Clinton exercised his right of rejection and rejected everyone except one delegate. There was no opponent.

Mr. Ward noted that some numbers are still estimates because the General Election was only one week ago and invoices are still being received. The Board will still have a PS deficit, though smaller than originally projected. The OMB reduction "Program to Eliminate the Gap" (PEG) currently stands at \$15,387,135.

President Polanco recognized Jerome Koenig, a member of the public, who asked if there would be a Primary Election for delegates even if the Office of the President is not on the ballot. Mr. Richman replied yes.

President Polanco recognized A.B. Britton, a member of the public, who inquired why a particular Coordinator in Kings County was not assigned to work the 2011 General Election.

President Polanco recognized Garth Marchant, a member of the public, who requested to view the tally of write-in votes in Queens County.

President Polanco recognized Alan Flacks, a member of the public, who inquired why he could not be a Poll Watcher on Election Night. He stated that he had a Poll Watcher Certificate authorized by the candidate.

President Polanco recognized Jerome Koenig, a member of the public, who stated that a candidate is not allowed to appoint Poll Watchers under the New York State Election Law.

Ms. Perkins reported that per past practice, the Commissioners designated the day after Thanksgiving as a holiday, in lieu of Election Day, pursuant to the contract with CWA Local 1183. Ms. Perkins and Ms. Sandow requested to designate Friday, November 25, 2011 as the holiday. Commissioner Umane moved to designate Friday, November 25, 2011 as the holiday, in lieu of Election Day. Commissioner Dent seconded the motion, which was adopted unanimously.

President Polanco recognized Marianna Blume, a member of the public, who inquired about the funds spent on General Election Day. President Polanco requested for Ms. Blume to submit a letter to the Board.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, November 22, 2011 at 1:30 P.M.