

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

P R E S E N T: President James Sampel
 Secretary Frederic Umare

Commissioners Araujo, Dent, Graham, Polanco, Schacher, Soumas,
Stupp, Yennella

Marcus Cederqvist, Executive Director
George Gonzalez, Deputy Executive Director
Pamela Perkins, Administrative Manager
Valerie Vasquez, Director, Communications
Elliot Borack, ACCO
John O'Grady, Chief Voting Machine Technician
Dorothy Delayo, Director, Personnel
Lucille Grimaldi, Director, EVS Department
John Ward, Finance Officer
Joseph LaRocca, Coordinator, Candidate Records Unit
Beth Fossella, Coordinator, Voter Registration
Charles Webb, Counsel to the Commissioners
Steve Denkberg, Counsel to the Commissioners

GUEST: Mary Lou Urban, League of Women Voters
 Marjorie Shea, Women's City Club
 Andrea Senteno, Citizen's Union
 Teresa Hummel, Community Church of New York
 Jerry Koenig
 Mark Herman

President Sampel called the meeting to order at 1:45 P.M.

The Commissioners expressed their appreciation to Commissioner Sampel for his leadership and dedicated service as President of the New York City Board of Elections over the past year.

President Sampel introduced the newly appointed Democratic Bronx Commissioner Ms. Naomi Silie and welcomed her on behalf of all the Commissioners.

President Sampel announced that the Commissioners would elect one of their number as president and one as secretary pursuant to Election Law §3-212 (1). Commissioner Schacher moved to elect Commissioner Umane as President for 2009. Commissioner Polanco seconded the motion, which was adopted unanimously. Commissioner Soumas moved to elect Commissioner Dent as Secretary for 2009. Commissioner Polanco seconded the motion. Commissioner Dent then moved to elect Commissioner Soumas as Secretary for 2009.

The President moved to convene a Democratic caucus. A Democratic caucus was convened.

The Commissioners resumed the meeting at 2:00 P.M.

President Sampel moved the question whether to elect Commissioner Dent as Secretary for 2009. Commissioner Soumas seconded the motion, which was adopted unanimously.

The newly elected President and Secretary for calendar year 2009 assumed their positions.

Commissioner Araujo moved to amend the minutes of the December 30, 2008 meetings to reflect a complete transcription of the discussion relating to the 11th State Senatorial District. Commissioner Soumas seconded the motion. President Umane asked for an explanation for the motion. After a brief discussion, Commissioner Soumas suggested that there be a notation in the December 30, 2008 minutes that there is a transcript available. Commissioner Araujo moved to direct the Secretary of Record to make a complete transcription of the minutes of the December 30, 2008 meeting. Commissioner Sampel seconded the motion, which was adopted unanimously.

President Umane directed the Secretary of Record to include a notation in the draft minutes of today that a complete transcription of the December 30, 2008 minutes will be available at request.

Commissioner Soumas moved to ratify the minutes of the December 16, 2008, December 19, 2008, and December 30, 2008 meetings. Commissioner Araujo seconded the motion, which was adopted unanimously.

The Executive Director reported that:

- 1) There have been no further updates from the State Board of Elections with regard to HAVA or the Systest accreditation.
- 2) Copies of the Mayor's Proclamations calling Special Elections to fill the vacancies in the 21st, 32nd, 49th Council Districts are included in today's agenda package. He stated that the election will be held on Tuesday, February, 24, 2009 and the deadline to file Independent Nominating Petitions is January 15, 2009.

The Coordinator of the Candidate Records Unit reported that the Board has received the following Independent Nominating Petitions:

a) In the 32nd Council District:

Mike Ricardo from the Voice of the People Party.

b) In the 49th Council District:

Kenneth Mitchell from the Experience Now Party,

John A. Tabacco from the No Tax Party; and

Donald R. Pagano from the Friends of the Donald R.

Pagano Party.

He reported that the General Counsel is on vacation this week and noted that there is a 2-day review period to make determinations on whether petition cover sheets are in compliance with the Rules. Commissioner Soumas moved to designate a sub-committee of the Commissioners to handle the petition review. Commissioner Dent seconded the motion, which was adopted unanimously.

3) The Executive Director reported that the Winter Conference of the Election Commissioners Association of the State of New York will be held from January 20 – 23, 2009 in Cooperstown, NY. He noted that he understood that the winter conference is held in Cooperstown because it is off-peak season there and that the association is able to reduce costs considerably. He added that the location is also unfortunately exceedingly

inconvenient from New York City. He then asked the Commissioners to authorize specific Borough and Senior Managers to attend.

After discussion, Commissioner Stupp moved to authorize the Executive Managers and designated Borough and Senior Managers to attend the Winter Conference. Secretary Dent seconded the motion, which was adopted by a vote of 9 in favor (President Umane, Secretary Dent, Commissioners Araujo, Graham, Polanco, Schacher, Silie, Soumas, Stupp, and Yennella) 1 abstention (Commissioner Sampel).

- 4) A copy of the draft letter to the Honorable Mark Page, Director, Office of Management and Budget regarding a Budget Modification Request for Fiscal Year '09 that the Commissioners requested at their previous meeting is included in the agenda for their review and approval.

Commissioner Schacher moved to approve the draft letter to the Office of Management and Budget Director as submitted. Commissioner Sampel seconded the motion, which was adopted unanimously.

- 5) The contract for the repair and replacement of the Shoup 3.2 Mechanical Voting Machines expired on December 31, 2008. The Executive Director noted that although the Board is not

scheduled to use the mechanical lever voting machines this year, the State Board's delays in certifying a replacement system makes it prudent to plan at least for the possibility that the lever machines might have to be used again. He asked the Commissioners for approval to begin the process of soliciting new bids under a new contract and noted that this would help ensure that a contract was in place in the event that the machines were used and that the contract wouldn't be used if they were not, thereby not resulting in any additional expenditures.

Commissioner Sampel moved to authorize the Agency Chief Contracting Officer to solicit bids from qualified vendors for repair and replacement the Shoup 3.2 Mechanical Voting Machines. President Umane seconded the motion, which was adopted unanimously.

The Finance Officer provided the Commissioners with the Comparative Expenditure Report dated December 30, 2008, the Vacancy Reported dated January 6, 2008, and explained the FY'09 OTPS Budget Review.

The Agency Chief Contract Officer provided the Commissioners with an explanation of the solicitation process from start to finish for both the After-Hours and Election Day Car Services contracts. Copies of the proposed After-Hours and Election Day Car Services contracts were provided to the Commissioners at their meeting on November 25, 2008. The contracts expired on December 31, 2008. In response to a question from the Commissioners, Marcus Cederqvist reported that his recollection of New York City Comptroller's Directive 6 was that it allows Board staff working overtime during the petition filing period to be reimbursed for taxicabs. (Note: Under Section 4.6.4 of the NYC Comptroller's Directive 6, *"when any employee, either managerial or non-managerial, is required to work three hours or more of overtime, and the workday, including the overtime, ends after their official working hours, and this results in travel between 8:00 P.M. and 6:00 A.M."*)

The Deputy Executive Director expressed his concern that the lack of the After-Hours and Election Day Car Services contracts to enable Board staff to get home after working long hours and return again soon after the following morning puts these staff members at significant risk. He noted that some of these staff members live in neighborhoods that are not

conveniently accessible and are not as safe late at night. He also noted that Board staff members are among the lowest paid employees in City government and that many of them literally live from paycheck to paycheck, making it impossible for them to pay upfront for car service for reimbursement later.

Commissioner Soumas responded to the Deputy Executive Director and stated that when the contract was initially brought before them, they didn't have enough time or information to make an informed decision on the After-Hours and Election Day Car Services contracts. The ACCO explained that all contract documents, purchase orders, etc. from his department are fair, competitive, and transparent and strictly adhere to the Procurement Policy Board Rules. The Commissioners unanimously agreed to table consideration of the After-Hours and Election Day Car Services contracts until the next meeting.

The Director of Public Relations reported that she received a request from CBS News to use one of the Borough's Voting Machine Facilities to interview first time voters on Saturday, January 10, 2009 from 10:30 A.M. – 4:00 P.M. Commissioner Polanco moved to approve the Director of Public

Relation's request with an amendment for CBS to incur all expenses. Commissioner Dent seconded the motion, which was adopted unanimously.

President Umane announced that there are vacancies on the Standing Committees established by the Commissioners at their meeting on September 25, 2007 as set forth below:

- Standing Committee on Human Resources.
- Standing Committee on Budget and Finance.
- Standing Committee on Communications, Voter Registration and Outreach.
- Standing Committee on Management Information Systems and Services.
- Standing Committee on Legislative Affairs; and the
- Standing Committee on Investigations.

President Umane moved to adjourn. Commissioner Yennella seconded the motion, which was adopted unanimously.

The next Commissioner's meeting is scheduled for Tuesday, January 13, 2008 at 1:30 P.M.