

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, DECEMBER 22, 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, Schacher, Sipp, Stupp

Marcus Cederqvist, Executive Director
George Gonzalez, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Owens, Jr., Director, Campaign Finance Enforcement
John Ward, Finance Officer
Valerie Vazquez-Rivera, Director, Communications and Public Affairs
Daniel Lavelle, Supervisor, Phone Bank
Timothy Gay, Deputy Chief Clerk, Manhattan
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Adrienne Kivelson, LWVNYC
 Teresa Hommel, Community Church of New York
 Alan Flacks, Member of NY County Democratic Committee
 Jerry Koening
 Tim Robbins, NYVV

President Umane called the meeting to order at 1:39 P.M.

President Umane convened a meeting of the Board of Canvassers in the City of New York to certify the amended results of the November 3,

2009 General Election for New York County.

President Umane called upon the Deputy Chief Clerk of the Manhattan Borough Office to present the Amended Statement and Return of Canvass for various contests of the November 3, 2009 General Election for New York County.

Timothy Gay, Deputy Chief Clerk, requested that the Board of Canvassers certify the Amended Statement and Return of Canvass for various contests in New York County. There were reported discrepancies which were explained and did not affect the outcome of the election results. President Umane explained that there were five (5) write-in votes which were omitted from the report and the Voting Machine Technician who missed the write-in votes received an employee advisory. He added that Commissioner Soumas is aware of this amended report. President Umane moved to certify the Amended Statement and Return of Canvass for various contests in New York County. Commissioner Araujo seconded the motion, which was adopted unanimously.

President Umane designated Commissioner Stupp to serve as the second Republican Member of the Board of Canvassers on the Statements

and Returns of Canvass for Manhattan.

Secretary Dent designated Commissioner Araujo to serve as the second Democratic Member of the Board of Canvassers for the Statements and Returns of Canvass for Manhattan.

President Umane moved to authorize the use of the Commissioners' signature stamps as appropriate on the certified Amended Statement and Return of Canvass. Commissioner Schacher seconded the motion, which was adopted unanimously.

President Umane moved to adjourn the meeting of the Board of Canvassers and convene the stated meeting of the Board of Elections. The motion was unanimously adopted.

Commissioner Araujo moved to adopt the Independent Nominating Petition Rules for 2009 as the Independent Nominating Petition Rules for the February 2010 Special Election. Commissioner Stupp seconded the motion, which was adopted unanimously.

Commissioner Schacher moved to table the minutes of

November 17, 2009, November 24, 2009, December 1, 2009 and December 8, 2009. Secretary Dent seconded the motion, which was adopted unanimously.

Commissioner Polanco thanked Eleanor Guerrieri, Secretary of Record, for providing the minutes to the Commissioners in a timely fashion. He also thanked the Administrative Manager for her great management at the Board.

The Executive Director presented the HAVA Update. He reported that the public demonstrations have been ongoing and tonight is the final one in the Bronx Borough Office. He reported that the turnout has been very good and noted that Public Advocate elect Bill De Blasio attended the Manhattan demonstration. The public hearing is scheduled for next Tuesday from 6:00 P.M. to 8:00 P.M. and the procedures have been posted to the Board's website. The Board will accept written testimony in advance and the Commissioners will receive copies.

The Executive Director noted that item #4 "2010 Poll Site Flow and Generic Procedures" on the agenda has to be rescheduled because the Coordinator of Election Day Operations is ill.

The Executive Director reported on the December 18, 2009 conference call concerning poll site accessibility legislation. His email response to Steve Williams, Deputy Director of the City's Office of State Legislative Affairs, regarding the pre-meeting request is in the agenda. He did not receive a response so there was no pre-meeting. On the conference call were the Deputy Executive Director, Administrative Manager, and representatives from the State Board, Governor's Counsel Office, Assembly Elections Committee, Senate Elections Committee and Corporation Counsel's Office. Mr. Cederqvist reported that the Corporation Counsel's Office had a different fundamental understanding than the legislative staffs, and the Governor's Counsel. The City Board does not have input on those issues. There will be another conference call scheduled in the beginning of 2010.

The Executive Director reported on the 2010 Election Commissioners' Association Winter Conference and asked for direction from the Commissioners regarding staff participation. The deadline to RSVP is January 4, 2010. Commissioner Araujo stated that the Queens Chief Clerk would like to attend. Commissioner Stupp inquired what the Board usually practices and if it is worthwhile sending staff. The General Counsel explained that the State Board's HAVA Pilot Program report will be

the main focus of the conference this year which will be very informative. The Administrative Manager stated that in the past the Commissioners directed her to send an email to the Chief Clerks, Deputy Chief Clerks and Managers and asked which staff member is interested in attending, and then brings the list of names to the Commissioners for approval. Commissioner Polanco moved to authorize Ms. Perkins to email the key Board staff and follow past practice. The motion was adopted unanimously.

The Executive Director noted that in this week's State Board HAVA Compliance Update it states, "The Board will meet again on January 14, 2010, at which time they will consider choosing a voting system for both NYC and Nassau County in the event that those jurisdictions have not chosen a voting system by that time." Mr. Cederqvist stated that the Board is on schedule to select a system on January 5, 2010 and asked for clarification. Mr. Richman stated that the State Board is concerned with manufacturing and delivery for the next election cycle. President Umane stated that he had a conversation with former Commissioner Kellner and ES&S has sent a letter to the State Board concerning the selection of voting machines. He requested for the letter to be copied and distributed to all Commissioners for consideration in selecting the new voting system.

President Umane felt the letter was critical of the questions to the State Board regarding the use of the existing BMDs and other voting systems.

Commissioner Schacher requested to discuss a Brooklyn personnel matter for public session.

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

The Finance Officer reported on the Vacancy Report dated December 22, 2009.

Commissioner Schacher moved to advance 210 hours of sick leave to Ameriar Feliciano, a Clerk in the Brooklyn Borough Office. Secretary Dent seconded the motion, which was adopted unanimously.

The Deputy Executive Director reported that Commissioner Silie asked him to request an advance of 210 hours of sick leave to Shawn Boyd, Temporary Clerk in the Executive Office. Commissioner Schacher moved Commissioner Silie's request. Commissioner Sipp seconded the motion, which was adopted unanimously.

Commissioner Polanco inquired if the Board is open historically on December 24, 2009. Ms. Perkins replied yes. Commissioner Polanco requested the Board to grant staff a half-day on Christmas Eve. Mr. Gonzalez stated that in past practice an employee can leave early if they wish, but has to use their own time. Also, there must be a “skeleton crew” at the Board.

Secretary Dent wished everyone a happy and safe holiday. In addition, she thanked the Board of Elections family for their support in the loss of her beloved brother. She added that Commissioner Schacher was really there for her and thanked her very much. President Umane gave her all of their condolences again. Commissioner Schacher requested a moment of silence and prayer.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, December 29, 2009 at 5:30 P.M. Following will be the public hearing concerning the new voting systems which is scheduled for 6:00 P.M. - 8:00 P.M.