

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, JANUARY 5, 2010
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, Silie, Sipp, Soumas, Stupp

Marcus Cederqvist, Executive Director
George Gonzalez, Deputy Executive Director
Pamela Perkins, Administrative Manager
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Lucille Grimaldi, Manager, Electronic Voting Systems
John Naudus, Senior System Analyst, Electronic Voting Systems
Valerie Vazquez-Rivera, Director, Communications and Public Affairs
Daniel Lavelle, Supervisor, Phone Bank
Tom Sattie, Associate Staff Analyst, Candidate Records Unit
Rosanna Rahmouni, Coordinator, Election Day Operations
Stephen Thompson, HAVA Training Specialist, Election Day Operations
Katherine James, Deputy Chief Clerk, Queens Borough Office
Gregory Lehman, Chief Clerk, Manhattan Borough Office
Steven B. Denkberg, Counsel to the Commissioners
Charles S. Webb, III, Counsel to the Commissioners

GUEST: Eugene Nikolai
Gio Costantiello, Dominion
Ninfa Segarra, TB&A
Jim Cunningham, Burson Marsteller
Larry Goldstein, Burson Marsteller
H. C., Dominion
J. P., Dominion
C. Capitanakis, ES&S
A. Moesel, ES&S
Marjorie Shea, WCC

Laurent Lawrence, Burson Marsteller
Jeff Buley, Dominion
S. Crowley, ES&S
Adrienne Kivelson, League of Women Voters
Mary Lou Urban, LWVNYC
Scott Kienslar
K. McGinnis
Geraldyn Trujillo, NYOAG
M.E. Burns, NYOAG
Larry Tom
Jerry Koenig
Dave Evans, NABC
Tom Lapan, NABC
Gene Seets, ES&S
Judd Ryan, ES&S
Stewart Armstrong, VAC
Craig Eaton
Bob Ungar, ES&S
David Chen, NYT
Matt Nelson, ES&S
Rima McCoy, CIDNY
Ames Growers, For Assembly Member Brian Kavanagh
R. Kleal, ES&S
Art Goldstein, DMT
Lupe Todd, Dominion
Jeff Slay, Daily News
Tracey Emory, WCBSTV2
Leslie Mayes, NY1 News
Grace Rauh, NY1 News
Aldo Tesi, ES&S
Teresa Hommel, CCNY
Denora Getachen, For Public Advocate
Maggie, NYT
Charles Stemson
George Arzt, Dominion
Jim Robbins, NYVV
Erin Sima, NYDN
Andrea Senteno, Citizens Union Foundation
Matthew Roy
Diana Finch, Poll Worker
Alan Flacks, Member of NY County Democratic Committee

President Umane called the meeting to order at 1:54 P.M.

Commissioner Schacher moved to table the minutes of December 15, 2009, December 22, 2009 and December 29, 2009. Commissioner Soumas seconded the motion, which was adopted unanimously.

President Umane presented the selection of a new poll site voting system for the City of New York. The Commissioners agreed to postpone the selection of a privacy booth until next week's meeting. President Umane explained the Board's process for the selection of a new poll site voting system. He stated that this process started in the late 1980's and New York City was ahead of the rest of the country in regards to electronic voting systems. The Board tested and chose an electronic voting machine in the late 1980's/early 1990's. However, the City of New York did not proceed with an electronic voting system because of certain security concerns. President Umane stated that he has most seniority of the current members of the Board and the Board was, and still is, forward thinking and ahead of the game, and will choose a very sophisticated

scanner and electronic voting machine systems. He explained that S-Elect is new and on the forefront of all the election management systems, and the staff whose tenure of over 20 years at the Board has taken part in the election modernization process. The irony is that New York State is the last state in the country to adopt a new voting system. He noted that the old and reliable lever machines have worked well for over fifty years, but the United States Congress and United States District Court has other ideas. President Umane stated that the Commissioners are faced today with the decision between two voting systems, and if they fail to select one today then State Board will select a system for the City Board. He hoped for a sufficient number of votes because it is important that the Election Commissioners of the City of New York make their own decision. President Umane distributed copies of a "Close to Home" cartoon to the Commissioners because it reflects his view that in certain respects the new voting system is "going backwards" because the lever machines were developed to replace paper ballots and now the City will be going back to paper ballots. He added that there are many concerns from the good government groups and lots of literature about issues with computerized voting and security concerns.

Commissioner Soumas moved for the Commissioners to select

one (1) of the two (2) New York State certified poll site voting systems which shall be used in the City of New York beginning with the September 2010 Primary Election. Secretary Dent seconded the motion.

In a roll call vote of:

Six (6) in favor of the ES&S System (Secretary Dent, Commissioners Araujo, Polanco, Schacher, Soumas, Stupp);

and

One (1) in favor of the Dominion System (President Umane);

and

Two (2) abstentions (Commissioners Silie and Sipp),

The Board selected the Election Systems and Software (ES&S) poll site optical scanning systems for use in New York City.

Commissioner Polanco explained why he voted for ES&S. He stated that today is a very important day for the Board of Elections in the City of New York and it was a long process to determine what the best system for New York City is. He noted that at the public demonstrations, most people expressed support for the ES&S system. The system is ideal to identify different languages and for the disabled, and at the public hearing many advocates from different organizations supported ES&S as well.

Commissioner Stupp explained why she voted for ES&S. She stated that she feels very confident in her decision and her views were constantly reinforced by her observations at the various public demonstrations. She noted at the public hearing that Mr. Park, from the Korean American Voters Council, explained that 67% of the Korean community needs more English proficiency and they felt the ES&S system was their preferred system since the Dominion machine was more difficult for Korean speaking voters. ES&S's 12" inch LCD screen provided an easier menu to read and could be magnified. Also, she listened and read the testimony of Mr. Mike Godino, head of two organizations for the disabled, and he indicated that the overwhelming support of the disability community is for the ES&S system. He described that one would have to navigate three sides of the Dominion system which could jeopardize voter privacy. Also, there was one touch button for use by the disabled compared to Dominion's paddles and joysticks. In addition, Board staff has critiqued various components of both machines and based on that review she chooses ES&S. Commissioner Stupp indicated that she was very confident in her vote.

Secretary Dent explained that she voted for ES&S on behalf of the voters.

Commissioner Sipp explained why he abstained. He does not believe either system is going to fit the needs of the New York City voter. After careful consideration and examination of both machines, it is his decision to abstain.

President Umame noted the following. The Board staff compiled a great assessment for over five (5) years with a detailed and scientific methodology. The report is posted on the Board's website for the public. The determination, in his view, is in "dead heat" based on the total number of percentages and points. The staff reviewed physical security, operating system security, database security, network security, application development security, application functional security and various miscellaneous issues. In addition, the Board has open up working meetings to the public and the entire process has been open and transparent. There have been five borough public demonstrations that offered the public and press to view, test and make suggestions to the Board on several occasions. Also, there were four public hearings that he has participated in, and thanked the public who has testified and participated in this process. President Umame felt that the Board has acted in great judgment and responsibility in making the determination its making today. He respects his fellow Commissioners for the "soul searching" they

had to do to make this determination. He thanked his fellow Commissioners, Executive staff, the EVS Department, Voting Machine department, and everyone at the Board for all of their hard work to come up with recommendations which have been very deeply viewed by the Commissioners which justifies their vote today.

The Finance Officer presented the Vacancy Report dated January 5, 2010.

President Umane called for the election of President and Secretary of the Board for Calendar Year 2010. Commissioner Schacher stated that it has been a very difficult year and the Commissioners accomplished a great task for the decisions which was just made, and this year will be even more difficult. Commissioner Schacher nominated Commissioner Juan Carlos "J.C." Polanco to be Secretary of the Board for calendar year 2010. Commissioner Stupp seconded the motion, which was adopted unanimously.

Commissioner Soumas stated that for the last year Secretary Dent has been serving nobly and well the people of Kings County as well as the people of the City of New York. He added that she is a remarkable

communicator and has learned her position well. Commissioner Soumas nominated Secretary Julie Dent to be President of the Board for calendar year 2010. Commissioner Schacher seconded the motion, which was adopted unanimously.

Commissioner Polanco thanked President Umane and Secretary Dent for their service to the Board. He added that President Umane worked very hard as an important figure at the Board and has provided a tremendous amount of institutional knowledge and guidance to the Commissioners throughout this tough year.

Secretary Dent took the opportunity to thank President Umane. She stated that he is a gentleman, a scholar, and she has learned much from him while serving as the Secretary. She wished him the best and would like to continue working closely with him. She indicated she has the highest respect for him.

Commissioner Schacher thanked President Umane and noted that he did a noble job in 2009, is well versed and very knowledgeable. She thanked him for serving as ably as he did.

As the newest Commissioner at the Board, Commissioner Sipp thanked President Umane and Secretary Dent. He stated that he was given very good advice and appreciates all the work they have done this year. He congratulated Commissioner Dent on her election as President and Commissioner Polanco on his election as Secretary for calendar year 2010.

President Umane adjourned the meeting.

The next stated meeting of the Commissioners is scheduled for Tuesday, January 12, 2010 at 1:30 P.M.