

THE MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, MAY 18, 2010
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR COMMISSIONERS' ROOM
NEW YORK, NY 10004

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

Commissioners Araujo, Barrera, Ryan, Schacher, 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
Tom Sattie, Associate Staff Analyst & Ballot Coordinator, CRU
Daniel Lavelle, Supervisor, Phone Bank
Valerie Vazquez-Rivera, Director, Communications & Public Affairs
Stephen Thompson, Administrative Assistant, Election Day Operations
John O'Grady, Chief, Voting Machine Technician
Michael Kinara, Associate Director, Gartner
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Marjorie Shea, WCC
Joseph Garber
Stewart Armstrong, VAC
Andrea Senteno, CUF
Adrienne Kivelson, LWV
Alan Flacks, Member of NY County Democratic Committee

President Dent called the meeting to order at 1:42 P.M.

Commissioner Umane moved to approve the minutes of March 30, 2010 and April 6, 2010, and tabled the minutes of April 13, 2010. Commissioner Schacher seconded the motion, which was adopted unanimously.

Commissioner Umane recalled that at the previous Commissioners' Meeting he requested an advance of 210 hours of sick leave, effective April 29, 2010, for Ms. Rosanna Rahmouni, Coordinator of Election Day Operations. He clarified that the correct effective date is April 12, 2010 and moved to amend his previous motion. Commissioner Schacher seconded the motion, which was adopted unanimously.

Commissioner Umane reported on the Commissioners Poll Worker Procedures Sub-Committee meeting. Mr. Thompson distributed copies of the draft Poll Worker's Manual and Procedures to the Commissioners. Commissioner Umane stated that the committee held a lengthy meeting reviewing the Poll Worker Manual and Procedures and some questions arose that the committee thought should be brought before the full Board. Commissioner Umane noted that the committee thought the staff did a very good job drafting the revised procedures. He stated that the staff recommended imposing a fine for the poll workers who fail to return the

BMD mats which are used for wheelchair resting at the poll sites. It is a big issue because a lot of BMD mats were distributed to the poll sites, but have not been returned to the Board. The fine would be the cost of the mat which is \$28.40 each. President Dent inquired who would be responsible for the fine. Mr. Thompson explained that the decision would be left to the discretion of the Commissioners; either separating the fine to the two (2) Inspectors that are responsible for the poll site or another party that they find responsible for the BMD mat. Commissioner Araujo inquired if the fine will be deducted from the poll workers' paychecks. Commissioner Umane stated yes and he feels that the Commissioners should impose the fine because there would be too many hearings. President Dent stated that if this policy is adopted then it has to be very clear to the Inspectors that they may face the penalty if the BMD mat is not returned. Commissioner Soumas stated that fining is a bad idea and does not agree. Commissioner Ryan stated that he had a misunderstanding of this matter. He felt that that the Commissioners should review the written draft and discuss it in more detail at the next meeting. Commissioner Umane noted that there are other issues concerning the draft Poll Worker's Procedures outlined on page 3 in the agenda and advised the Commissioners to review them. Mr. Richman added that there are other poll worker fines which are listed in the current Poll Worker's Manual and Procedures. Commissioner

Schacher stated that she does not believe in monetary penalties. Commissioner Ryan moved to table this item for one (1) week so the full Board can review the draft Poll Worker's Manual and Procedures and discuss any issues at the next meeting. Commissioner Soumas seconded the motion, which was adopted unanimously.

Commissioner Barrera requested to discuss a personnel item in public session.

Mr. Gonzalez presented the HAVA update. He reported on the deliveries of scanners in the borough Voting Machine Facilities. The quantity of scanners delivered is as follows:

- Brooklyn VMF – 1,287
- Queens VMF – 1,044
- Manhattan VMF – 1,057
- Staten Island VMF – 284
- Executive Office – 50
- Bronx VMF – Deliveries will begin next week

Mr. Gonzalez reported on the Acceptance Testing on the scanners per borough. The amount of tested scanners are as follows:

- Executive Office – 50
- Brooklyn – 1,287
- Queens – 1,044
- Manhattan – 957
- Staten Island – Has not begun testing to this date

Mr. Gonzalez reported on the recording of the results of the Acceptance Testing. The numbers are as follows:

- Executive Office – 50
- Brooklyn – 1,083
- Queens – 976
- Manhattan – 431
- Staten Island – Has not begun testing to this date

President Dent requested a copy of the HAVA report from Mr. Gonzalez for the Commissioners.

Mr. Gonzalez reported that yesterday he received notification from the State Board that the Federal Auditor will be visiting county board of elections. The Federal Auditor will be visiting the Board's Queens and Brooklyn Borough Offices and VMFs tomorrow. The purpose of the audit is

to verify that thirty (30) scanners and related equipment which were purchased with federal funds are present at the Board. They will also check if the VMFs are secured for protection of the equipment. Mr. O'Grady and Mr. Squicciarini will meet the Federal Auditor at the Queens Office at 9:00 A.M. Mr. Gonzalez stated that he notified the Chief and Deputy Chief Clerks of the respective boroughs. President Dent requested a copy of the written audit report for the Commissioners once it is complete. Mr. Richman stated that the State Board will receive the report first then they will share it with the City Board. Mr. Gonzalez requested a meeting with the Federal Auditor and Executive Staff to make sure all of his concerns are met. Mr. Gonzalez stated that he will report on the audit at next week's meeting.

Mr. Gonzalez reported on the summary of the May Readiness Assessment as of May 13, 2010. A copy of the report is in the agenda. Mr. Gonzalez reported on the workstreams that are at significant risk of falling behind schedule and/or impact on the ability to conduct the election.

The workstreams are as follows:

- Cross-Workstream Readiness – funding risks put potential for successful implementation at risk (including training, public education, BOE staff.)

- Delivery, Receipt and Tracking for OGS Contract – Purchase Orders have been released for most items except for items to be funded through City Capital and additional City expense funds.
- Poll Worker Procedures – Poll Workers Procedures approval in process with Commissioners Sub-Committee for Procedures. Open questions regarding ballot reconciliation and closing procedures could delay completion of procedure development. Legislative changes are required.
- Poll Worker Training – Funding risks and delay in developing new training materials and curriculum can potentially result in insufficient training of poll workers on the new system.
- Supplies for Poll Sites, Training and Demos – Establishment of the Printed Election Supplies Contract is delayed. If not registered by May 31, 2010 it will cause disruptions in the printing of training and Election Day materials.
- Poll Site and Training Site Readiness – Many new poll sites and training sites have not been identified yet based on new space requirements.
- Election Management System – Potential issues exist with the EMS process for handling ballot changes; options to be confirmed by the system vendor.

President Dent asked Ms. Perkins if she met with the New York City Police Department as it relates to the extra responsibilities for the police officers on Election Day. Ms. Perkins replied that meeting with the NYPD is scheduled for June 3, 2010 at 11:00 A.M.

Mr. Gonzalez reported that the Board testified at the New York State Assembly Budget Hearing last Friday. He stated that President Dent, Secretary Polanco, Commissioners Stupp, Araujo, and Schacher were present. He stated that the committee was very receptive and concerned to secure funding for the Board. Mr. Richman stated that the Office of Management and Budget and Corporation Counsel's Office declined the invitations to appear. He noted that Mr. Zimmitti, President of Union Local 1183, and the League of Women Voters testified as well. Secretary Polanco stated that the Board did a great job testifying and there was great synergy in the room. He stated that the Board was able to discuss all concerns and everyone did their part at the hearing. President Dent stated that she was very proud and everyone did a wonderful job. She noted that it is very important for the Elected Officials to understand what the Board is facing and how it is affecting them as well. President Dent thanked the good government groups for supporting the Board at the hearing.

Mr. Gonzalez reported on the New York City Council Hearing on Proposed Executive Expense, Revenue, Capital and Contract Budgets for Fiscal Year 2011 which was held yesterday. He stated that President Dent, Commissioner Ryan, Ms. Perkins, Mr. Richman, Mr. Ward, and Ms. Vazquez-Rivera attended the hearing. Mr. Gonzalez reported that the Council Members heard the Board's concerns and they asked numerous questions. The members strongly suggested for the Board to consider doing all work in-house instead of outsourcing. Commissioner Ryan stated that some Council Members failed to appreciate the cyclical nature of the Board.

President Dent recognized Marjorie Shea, a member of the public.

Mr. Gonzalez reported that the New York State Election Commissioners' Association Summer Conference will be held from June 22 through June 25, 2010. A copy of the tentative schedule is in the agenda. Mr. Gonzalez requested for guidance. Commissioner Soumas moved that the staff should not attend the conference unless the workstreams are current. There was no second. President Dent stated that Mr. Gonzalez and Mr. Richman are scheduled to conduct a presentation at the conference. She added that the conferences are very informative and

knowledgeable. President Dent felt that the City Board has a lot of information to report at the conference and asked Mr. Gonzalez to compile a list of any staff member that he feels would benefit attending this conference. The Commissioners will vote on the list as practiced in the past. Commissioner Umane suggested considering the cost when compiling the list and to try to keep the attending staff at a minimum. President Dent stated that when attending the conferences the staff is in meetings all day long; it is not a vacation. It is a learning “give and take” conference. Commissioner Stupp added that when she attended the conference in January she learned so much from the other counties during the Pilot Program and great ideas were shared amongst the counties. President Dent stated that they network with the other county Commissioners as well. President Dent directed Mr. Gonzalez and Ms. Perkins to compile a list of staff members considering Commissioner Umane’s suggestions and present it at the next meeting for review by the full Board. Commissioner Umane added that the existing policy is for the full Board to review the list of staff members interested in attending the conference and the Commissioners will make the determination. President Dent stated that in no way she would support attending a conference if the Board is not ready for an election.

Mr. Richman reported that on Friday he received a request from the Counsel to the Governor for the Board's comment on Bill No. S4960-B. A copy of the bill is in the agenda. The bill relates to the applications for absentee ballots; provides for the application to be made in writing in the form of a letter, telefax indicating the address, phone number and the telefax number from which the writing is sent or other written instrument which is signed by the voter. Secretary Polanco recommended taking no position on the bill. The Commissioners agreed to take no action on the bill.

Ms. Delayo reported on CityTime. She stated that last week this item was tabled so she can compile further information on the matter. She contacted the Office of Labor Relations to inquire about their opinion on CityTime. The Assistant Commissioner of OLR was very enthusiastic about the project and she suggested speaking with the Executive Director of the Office of Payroll Administration if the Board would like a presentation. Ms. Delayo also contacted some representatives at CityTime. She stated that Mr. Ward gave her three (3) newspaper articles regarding the CityTime project and the contract is currently under investigation. Ms. Delayo suggested that it is a bad time for the Board to begin anything new because there are so many other new procedures now and recommended to

postpone this matter until next year. The Commissioners agreed with Ms. Delayo's recommendation.

Mr. Sattie reported on ballot calculations and costs. Copies of his items are in the agenda. At last week's meeting, the Commissioners requested an analysis of total cost and amounts of ballots to be ordered for the 2010 Primary and General Elections. There are four (4) different estimates based on the percentage of registered voters. Mr. Sattie summarized his analysis report for the Commissioners. After discussion, Commissioner Umane moved for this year only to order 110% because that is recommended by the State Board. His view is that the Board probably has to account for 100%, but because it is the new year and the Board does not know the degree of difficulty the Board might have at the poll sites, it is wise to order 110%. Thereafter, the Board should aim for 100% and use the numbers of people who vote to come up with the extras. Commissioner Umane also moved that if there are Special Elections to reconsider the numbers and do not automatically use the 110% and do not use it as a precedent for any decisions the Board has to make. President Dent seconded the motion, which was adopted unanimously. It was noted that a letter will go out to the Office of Management and Budget and the Financial Control Board informing them of this motion.

President Dent recognized Adrienne Kivelson, a member of the public.

Mr. O'Grady reported on the public school construction project. A copy of the memorandum is in the agenda. He stated that earlier this year the Board and the Department of Education (DOE) agreed to a memorandum of understanding to make public schools that are used for poll sites ADA compliant. The Board selected 78 sites throughout the five (5) boroughs. The Board in conjunction with the DOE began surveying sites on the list. A total of 39 sites were surveyed citywide and 31 sites require improvements. The DOE submitted plans to the Board for their approval. The Board reviewed and approved said plans. At the present time, the DOE provided the Board with 24 cost estimates. Mr. O'Grady requested approval from the Commissioners to move forward with the project and have the DOE begin construction on the 24 sites. Commissioner Umane moved to approve Mr. O'Grady's request. Commissioner Schacher seconded the motion, which was adopted unanimously.

Commissioner Barrera requested an advance of 210 sick leave for Gertrudis Cortes, a Financial Clerk in the Bronx Borough Office. Secretary

Polanco seconded the motion, which was adopted unanimously.

President Dent noted that Mr. Ward stepped out of the meeting, but will return.

Commissioner Umame moved to convene an Executive Session to discuss personnel matters and to incorporate Mr. Ward's Comparative Expenditures report dated May 18, 2010. Commissioner Soumas seconded the motion, which was adopted unanimously.

Following the Executive Session, the open public meeting resumed and President Dent reported that no actions were taken in Executive Session.

President Dent moved to adjourn the meeting. Commissioner Stupp seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, May 25, 2010 at 1:30 P.M.