

THE MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, JUNE 8, 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, Sipp, Soumas, Stupp

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
Lucille Grimaldi, Manager, Electronic Voting Systems
John Naudus, Senior System Analyst, Electronic Voting Systems
Stephen Thompson, HAVA Training Specialist, EDO
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Jose Adames
Alan Flacks, Member of NY County Democratic Committee
Branden West, Citizens Union
Carol Green, DCAS
Marjorie Shea, WCC
Rima McCoy, CIDNY
Teresa Hommel, wheresthepaper.org
Stewart Armstrong, VAC
Alex Voetsler, NYDLC
Laurent Lawrence, HAVA
Debbie Alanedo-Sand, HAVA
Maria Luna

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

President Dent asked Mr. Gonzalez if the Board received any resumes as it relates to the position of Executive Director. Mr. Gonzalez replied that he received a resume from Secretary Polanco.

Commissioner Barrera moved to table the minutes of the April 23, 2010 meeting. Secretary Polanco seconded the motion, which was adopted unanimously.

Mr. Gonzalez presented the HAVA update. He summarized the Status for Scanners Report. A copy of the report is in the agenda.

Mr. Gonzalez presented Requisitions #7 and #8 to the Commissioners. He stated that Requisition #7 includes privacy screens/hoods for the scanners, power strips and 25 foot extension cords. Requisition #8 includes smart card drivers and ballot printers. Mr. Gonzalez submitted them to the President and Secretary for their review and signatures.

Mr. Gonzalez reported that DCAS and the landlord of 42 Broadway are currently working together concerning the 11th floor. The 11th floor office space is expected to be available to the Board on July 1, 2010. The

space is currently being renovated and within the next week they will install new electric wiring, paint and carpet. President Dent thanked the Executive Staff and Mr. Richman for working so hard to bring this issue to a close. She noted that the Board has been trying so hard to obtain the 11th floor office space because there is more staff than usual.

President Dent noted that Commissioner Ryan has arrived for the meeting.

Mr. Gonzalez reported on the training for the Lead Adjunct Trainers. He reminded the Commissioners that the training begins on Monday at the Executive Office. Twelve (12) Lead Adjunct Trainers will be in attendance and the training curriculum and agenda will be finalized this week. Mr. Gonzalez will report on the training session to the Commissioners in two (2) weeks.

Mr. Gonzalez reported that last week the Board held a meeting with members of the New York City Police Department. He stated that the Board has had a series of meetings with them in order to keep them up to date concerning the implementation of the new voting systems. The implementation effects the NYPD is certain ways and they wanted to alert

them and hear their concerns. Mr. Gonzalez stated that Executive Staff discussed the transportation carts for the returning of ballots to the Board at the close of polls, the current law on closing of the polls, various proposed changes of the New York State Election Law by the Board, the current Return of Canvass sheets and the revised Return of Canvass sheets. The members of the NYPD raised some issues and questions concerning the implementation. The issues are as follows:

- The return of ballot bins to the Board's Borough Offices or Voting Machine Facilities (VMFs) at the close of polls may produce a budgetary cost due to overtime.
- The returning of ballots and supplies to the Board's Borough Offices or VMFs may require bigger NYPD vehicles to accommodate them at the close of the polls.
- Overtime will be in effect if a Police Officer has to remain at the close of the polls for more than one (1) hour until the Inspectors canvass the voting equipment.
- Inspectors are asked to report at the poll site one (1) hour before the opening of the polls. If a Police Officer has to be at the poll site anytime earlier than 15 minutes, then it will be a budgetary cost imposed on the NYPD.

- The members of the NYPD asked if it is possible for the poll workers to stay at the close of the polls with the materials until the Police Officers are able to return all materials to the Borough Offices.
- The members of the NYPD suggested a separate trucking contract to retrieve the transportation containers with all the contents and a Police Officer would ride in the truck for security.
- The members of the NYPD requested for the Board to train approximately 300 Police Officers in each borough on the new voting system and their new responsibilities in July and/or August.

Mr. Richman discussed that the NYPD has the same budgetary issues as the Board, but the NYPD are legally required to obey certain matters. Commissioner Stupp inquired if the Police Officers have second shifts on Election Day to avoid overtime. Mr. Gonzalez replied that they do have a split shift, but this year the Board does not know how long it will take to close the polls; it may take approximately 2 or 3 hours. Commissioner Schacher inquired what the Legislature states. Mr. Richman stated that the Legislature has spoken with respect to the closing of the polls. It states

that the Inspector shall conduct the canvass at the close of the polls and then the Return of Canvass, all ballots and other materials in the City of New York is then transferred to the Police Officer. It is their responsibility to transfer it back to the Board of Elections and take the copy of the Return of Canvass and make it available to the press. Mr. Gonzalez stated that Executive Staff will review the suggestions and concerns of the NYPD and will report back to the full Board.

President Dent requested to discuss a Brooklyn personnel matter in public session.

Secretary Polanco requested to discuss a Bronx personnel matter in Executive Session.

Mr. Richman presented the draft Petition Filing Calendar for the September 14, 2010 Primary Election. A copy of the calendar is in the agenda. Mr. Richman requested approval from the Commissioners to issue the calendar. Commissioner Schacher moved to approve the Petition Filing Calendar for the September 14, 2010 Primary Election. President Dent seconded the motion, which was adopted unanimously.

Mr. Richman reported that the Candidate Briefing Session is scheduled for June 10, 2010 at 9:30 A.M.

Mr. Richman reported on the Order to Show Cause – 10-CV-2502 (JG) (VVP) United State District Court, Eastern District of New York, Jimmy McMillan V. New York State Board of Elections and New York City Board of Elections. Mr. Richman requested authorization from the Commissioners for the Corporation Counsel to represent and defend the Board's prior actions that we did not discriminate on the basis of religious beliefs and did not single him out. In addition, if he runs for statewide office this year there should be no relief against the City Board because we have to follow the statewide office. Secretary Polanco moved to authorize Mr. Richman's request. Commissioner Stupp seconded the motion, which was adopted unanimously.

Mr. Richman presented an update on New York State Legislation. Copies of the bills are in the agenda. The bills are as follows:

- Bill No. A11226 – Relates to the method of transportation for the return of unused paper ballots within the city of New York.

- Bill No. A11352 – Relates to canvassing, counting and inspecting votes; repealer.
- Bill No. A11353 – Enacts provisions relating to the opening of the polls and duties of election inspectors.
- Bill No. A11354 – Enacts provisions relating to the form of election day paper ballots; use of ballot scanner; form of absentee ballots.

Mr. Richman stated that yesterday he reviewed Bill No. A11352 with various staff members and there were concerns with the written language of the bill. It may change the way the Board canvasses votes at the poll sites from Election District (ED) to scanner. Mr. Richman summarized the bill for the Commissioners. He added that if the Board can have the Legislature change the language in Article 8, the Board would still be able to have a separate affidavit ballot. The Board may end up having only one (1) type of ballot on Election Day. President Dent asked Mr. Richman if there is a conclusion on this issue, or if he and staff are currently working on this matter. Mr. Richman replied that both he and staff recommend for the Legislature to allow the preparation and canvass by ED, as well as ballot scanner, in order to make the procedures easier for the Board and allow for election night reporting for the NYPD. Mr. Richman added that

another issue in the future with respect to a BMD affidavit ballot, is if a voter wants to vote on the BMD, but their name is not in the Voter Enrollment Book. The TeamWork ballot cannot be fed into the BMD to be read. Mr. Naudus explained that the system produces one (1) ballot and the Board has a choice for the printer to print an official ballot or affidavit ballot, or to print one (1) set of ballots and have the poll worker mark it as an affidavit ballot. In the past, the BMD ballot is technically an ES&S ballot which can be read by the scanner and the BMD. There would be no physical differences unless the Board has the printer mark is as official or affidavit ballot. Commissioner Sipp inquired which ballot a disabled voter would receive if he/she uses the BMD. Mr. Naudus replied that they would need to use the ES&S ballot. Currently, the Board provides a TeamWork ballot which is provided to emergency and affidavit voters. Also, the Board provides an ES&S ballot for any voter who wants to use the BMD. The ballot that would be read by the scanner and BMD would be the same ballot. If an affidavit voter needs to use a BMD, he/she would need an ES&S ballot. Mr. Richman added that the system is dependent on the Inspector being vigilant on the job. Currently, there is no device other than using a pen. Mr. Thompson explained that the poll worker would give the voter a TeamWork ballot first and then the voter can make an affirmative action to request to use the BMD and go through a stamping process by

the poll worker. Secretary Polanco inquired the best solution to this matter. Mr. Richman replied that the Board should ask Legislation to allow separate affidavit ballots (TeamWork ballots). Then if an affidavit voter requests to use a BMD, the back up solution would be giving them a poll site ballot stamped with an affidavit mark. The poll worker cannot tell a voter they cannot vote because their name is not in the book. Secretary Polanco stated that this is a serious issue and the Board has to protect the voters. Mr. Richman stated that it his recommendation that as these bills move forward to ask the Assembly to try to incorporate for the Board to allow an affidavit ballot generically be different from an emergency ballot and to allow the Board to report the return of canvass results by ED. President Dent inquired if a sample ballot will be displayed in the poll sites for the voter to view on Election Day. Mr. Richman stated that a new law requires that instructions are to be posted at the poll sites on how to vote using the new system. With respect to sample ballots, there is a requirement to produce sample ballots for each ED, but it will be a poll site scannable ballot. Ms. Grimaldi stated that the bill concerning the recanvass describes is differently than what they envisioned. For the past month, the EVS department has been working on a procedure for how the recanvass would be conducted, and now they will have to produce a new procedure reflecting the bill. Secretary Polanco requested for Ms. Grimaldi

and Mr. Naudus to summarize the key points of the recanvass process and to provide the information in writing for the Commissioners. Mr. Richman requested authorization from the Commissioners, concerning the bill, to ask staff to make the change with respect to separating the affidavit and emergency ballots and to ask them to change the canvass procedures so they can be prepared by ED, the way the Board envisioned it. Mr. Richman added that he received the bills yesterday. President Dent inquired if this matter was discussed with the Chief and Deputy Chief Clerks. Ms. Perkins replied that they have been aware of this issue and they always wanted the affidavit ballot to be a TeamWork ballot. President Dent recalled that this issue was discussed at a prior meeting and one of the concerns she has is how the voter would feel if someone marked their ballot. She noted that this was a decision that was not made by the Commissioners and Executive Staff only. President Dent and Commissioner Schacher had a meeting with their Chief and Deputy Chief Clerks of their respective borough concerning this matter. Secretary Polanco moved to request for the Legislature to modify Section 8-302 to allow an affidavit ballot other than a poll site scannable paper ballot to be used, and to provide that the process of submitting the return of canvass from the poll site on Election Day be by ED or scanner. Commissioner Barrera seconded the motion, which was adopted unanimously.

President Dent announced that she attended two (2) Brooklyn public demonstrations of the new voting system and it went very well. The staff did a wonderful job. She noted that the seniors said that everything went well with the DS-200 system and the lines went quickly. President Dent told Ms. Vazquez-Rivera and the public education team to keep up the good work.

Ms. Vazquez-Rivera reported on the Public Education Campaign. She distributed the Status of the Public Education Program Report and the NYC HAVA – Media Flowchart to the Commissioners. Ms. Vazquez-Rivera summarized the key accomplishments of the public education program from March 2009 to present date, along with the next steps. They are as follows:

- Creative Development – Ms. Vazquez-Rivera is planning a photo shoot next week and will use an existing poll site as the location and Board staff members as the “cast.” The approved “1-2-3 Vote Brochures” will be handouts at the demos and it is translated in all covered languages. There is a need for flyers and posters and she is working with Burson Marsteller to develop them. She hopes to send them to all libraries and senior centers in New York City. Ms. Vazquez-

Rivera noted that President Dent requested for the Frequently Asked Questions (FAQs) be bound as a booklet and she provided her with a letter that will serve as the opening preface to the FAQs. All Commissioners names will be listed as well.

- Public Education Webpage – The completed development of additional pages of the website include how to vote using the PVS, calendar of events, request a demonstration and FAQs. They are in the process of developing the media center and searchable event calendar pages. There is a provided link to State Board videos on the scanner and BMD. The City Board is waiting for information on funding for FY11 before proceeding with modifying these videos for NYC.
- Mobile Outreach Trucks – The five (5) trucks have been procured and outfitted, and in addition, the Board's existing fleet of vans will be wrapped in graphics as well.
- Uniforms – President Dent recommended for the Board's seal to be printed on the uniforms. Ms. Vazquez-Rivera stated that she will communicate her request to the vendor.
- Public Demos – Ms. Vazquez-Rivera reported that the letter sent to all Community Boards inviting them to host a public

demonstration was very well received. She requested approval from the Commissioners to send a similar letter to each elected official, senior center and other community organizations signed by each Commissioner. President Dent moved approve Ms. Vazquez-Rivera's request. Secretary Polanco seconded the motion, which was adopted unanimously. President Dent announced that she attended a meeting at the Office of the Brooklyn Borough President and he would like to hold a public demonstration.

- Outreach Staffing – To this date the Board has conducted 14 public demonstrations with a total of 848 participants. She stated that she receives several demo requests daily and as they come in, she sends the request to the respective borough Commissioner for their approval. The HAVA staff oversees the logistics of the locations. President Dent inquired if she is reaching out to the public libraries. Ms. Vazquez-Rivera stated that she plans to reach out by sending them flyers and posters. She added that open house settings are not the best use of time at libraries because it is difficult to determine the flow. Ms. Vazquez-Rivera reported that her team is preparing packets for NYS

elected officials and NYC Council Members asking them to insert the Board's materials in their mailings to help spread the word about the new voting system. Ms. Vazquez-Rivera reported that she met with members of CUNY to discuss large scale demonstrations at their college campuses. They committed to two (2) demonstrations per borough, except Staten Island which will have one (1), at the end of August. She reported that seven (7) outreach staff members have been hired to date, and the Board needs the remaining thirteen (13) staff members to be hired as soon as possible. Ms. Vazquez-Rivera reminded the Commissioners to fill the positions.

- Learning Centers – The Board is planning to open PVS Learning Centers in each borough office. They will have one (1) scanner and one (1) BMD and will provide a hands-on experience for voters. It will be open during normal business hours, one evening per week, and one weekend day per month. The borough staff members will be trained to staff the Learning Centers. The centers are scheduled to open June 21 through October 29, 2010.

Ms. Vazquez-Rivera reported on a letter received at the Board concerning the Public Education Campaign. A copy of the letter is in the agenda. It was written by various good government groups asking the Board to provide them with a draft copy and layout of the dedicated mailing and to discuss the overall outreach campaign. A meeting will be set up with CIDNY before they start drafting the mailing with Burson Marsteller.

Ms. Vazquez-Rivera reported on the Media Buy which was approved by the Commissioners Public Education Committee. She distributed copies of the Media Buy Report which indicates the list of all publications by borough. The overall budget is \$810,000. Ethnic and local community newspapers has a budget of \$481,675 and outdoor advertising has a budget of \$328,325. She requested for the Commissioners to review the report and to discuss it at next week's meeting for their approval.

President Dent inquired if the Board will be advertising on television and radio stations. Ms. Vazquez-Rivera stated that there are no funds, so the Board is relying on earned media. President Dent requested for Ms. Vazquez-Rivera to invite NY1, BK12, and other news stations to attend the public demonstrations. Ms. Vazquez-Rivera stated that the Board is currently running PSAs on local public stations. President Dent stated that

the news channels have to be aware of what the Board is doing. She noted that the public demonstrations are very professional and would like NY1 News to interview the people who attend them. Ms. Vazquez-Rivera stated that she will send out press advisories.

Mr. Ward presented the Vacancy Report dated June 8, 2010.

President Dent requested an advance of 210 sick hours for Monica Ruiz-Osorno, Clerk in the Brooklyn Borough Office. Commissioner Schacher seconded the motion, which was adopted unanimously.

Secretary Polanco moved to convene an Executive Session to discuss personnel matters. Commissioner Soumas seconded the motion, which was adopted unanimously.

Following the Executive Session, the open public meeting resumed and President Dent reported the action that was taken in Executive Session:

- I. Unanimously approved Diane Miranda in the Bronx Borough Office, to fill the position of Ashley Irizarry, Administrative Assistant, until she returns from FMLA.

Commissioner Sipp moved to adjourn the meeting. Commissioner Ryan seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, June 15, 2010 at 1:30 P.M.