

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, JULY 5, 2011
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Juan Carlos "J.C." Polanco
Secretary Gregory C. Soumas

Commissioners Araujo, Ryan, Schacher, Sipp, Stupp, Umame

Dawn Sandow, Deputy Executive Director
Steven H. Richman, General Counsel
Dorothy Delayo, Director, Personnel
John Ward, Finance Officer
Raphael Savino, Director, Campaign Finance Enforcement
Valerie Vazquez, Director, Communications and Public Relations
Richard Byrne, Summer Law Student Intern, OGC
Daniel Dugan, Summer Law Student Intern, OGC
Giacomo Kmet, Temporary Attorney, OGC
James Barron, Temporary Attorney, OGC
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Marjorie Shea, Women's City Club
Todd Urosovich, ES&S
Tom B., ES&S
Gene Seets, ES&S
Kate Doran, LWV
Zach Nathanson, for Assembly Member Brian Kavanagh
John D. Smith
Alex Camarda, Citizens Union
Marianna Blume

President Polanco called the meeting to order at 1:35 P.M.

Mr. Denkberg requested to discuss a litigation matter in Executive Session.

President Polanco requested to discuss a personnel matter in Executive Session.

Commissioner Umane moved to adopt the minutes of the June 21, 2011 meeting. Commissioner Schacher seconded the motion, which was adopted unanimously.

Mr. Ward presented the Vacancy Report dated July 5, 2011. A copy of the report is in the agenda.

Mr. Ward presented a budget update. A copy of his memorandum is in the agenda. Mr. Ward summarized his memorandum for the Commissioners. He reported that the City Council voted to approve the FY12 budget on June 29, 2011. The plan contains additional funding for the Board for FY11. The amount of \$3,200,000 was added to the Personal Services (PS) unit of appropriation and should assist the PS deficit for FY11. Mr. Ward stated that the FY12 budget remained unchanged from the Mayor's FY12 Executive Plan released on May 6, 2011. He stated that

the Board will still have a regular staff payroll deficit and there is no funding to continue the enhanced Poll Worker training program. In addition, the ES&S contract for voting assistance was not funded nor are there any funds for poll site and training site increases. Mr. Ward reported that there may not be a Primary Election in Staten Island or in the Bronx which could result in a savings of approximately \$4,000,000. He added that the remaining HAVA grant of \$5,000,000 will be rolled into FY12. Secretary Soumas inquired about the HAVA grant. Mr. Ward replied that the HAVA grant is divided by Federal and State funds. Mr. Richman explained that the State fund is for permanent poll site improvements at public schools and the Federal fund is for temporary poll site improvements. The balance left in Federal funds is being used for public education and Inspector training. Secretary Soumas asked if the funds are earmarked. Mr. Richman replied that that they are earmarked under the terms of the grant application for specific purposes that have been identified generally in the grant. The Board then submits a spending plan which is then approved by the State Board to ensure it conforms to Federal or State requirements.

Ms. Sandow reported on Poll Site Surveyor transportation. She stated that the Board's Finance Department received communication from Patrick Champion, an employee of the State Board, that car services used

exclusively for Poll Site Surveyors is allowable for reimbursement. The reimbursement would be from the HHS Voting Access Improvement federal grant. Ms. Sandow stated that the Board's Finance Department has already worked with the Office of Management and Budget (OMB) to set aside special budget codes to be used for the grant apart from the regular budget. The Board's Finance Department is in the process of creating procedures for the contract. Commissioner Umane recalled that the Board was seeking a new car service contract for the Poll Site Surveyors. He stated that staff should not stop seeking until they get the best and most reliable car service to handle this work. Commissioner Ryan asked if they discussed the rate of reimbursement. Ms. Sandow stated that it will be a full reimbursement, but it has to go out to bid. She added that it is very important that the Borough Office Poll Site Surveyors use Board vehicles or public transportation when possible. Commissioner Ryan reminded that these funds are tax payers' money.

Ms. Sandow presented an update concerning the Election Day Operations (EDO) Department. She reported that all Borough Offices were given a 2011 Supplies and Equipment Catalog to reference when ordering supplies. All documentation for training classes has been updated and all supplies have been distributed to the boroughs in time for their Adjunct

training and Assistant training classes. All training supplies have been ordered and will be picked up by the Borough Offices prior to July 25, 2011. Ms. Sandow reported that the early classes for Information Clerks, Door Clerks and Interpreters have been completed in every borough. These classes will resume for new Poll Worker applicants at the end of July. The Lead Adjunct Trainer classes were completed on June 24, 2011 and Assistant Trainer classes have started this week in four (4) out of five (5) boroughs. The Poll Worker classes are scheduled to begin on July 25, 2011 and the Coordinators and AD Monitor classes are scheduled in all boroughs as well.

President Polanco reported that NYS Assembly Member Michael Cusick is the new Chairman of the NYS Election Law Committee. President Polanco moved to send Assembly Member Cusick a congratulatory letter from the Board. Commissioner Ryan seconded the motion, which was adopted unanimously.

Mr. Richman reported on the application of the New York City Administration of Children's Services (ACS) to cancel the designation of Chama Child Development Center in Manhattan as a poll site for 2011-2012. He stated that he received the request from Josh Maryles,

Director of Facility Leasing for the NYC ACS. A copy of the letter is in the agenda. Mr. Richman stated that the request is a timely submission and asked the Commissioners for direction. Commissioner Umame reported that the Manhattan Borough Office is currently looking into this matter. Commissioner Araujo moved to refer this matter to both Manhattan Commissioners. President Polanco seconded the motion, which was adopted unanimously.

Mr. Richman presented the draft calendar for the filing of Independent Nominating Petitions for the November 8, 2011 General Election. A copy of his memorandum is in the agenda. Mr. Richman recommended setting the hearings on Independent Nominating Petitions for Thursday, September 8, 2011 at 12:00 P.M. Commissioner Umame suggested changing the time to 1:30 P.M. President Polanco moved to set the hearings on Independent Nominating Petitions for Thursday, September 8, 2011 at 1:30 P.M. Commissioner Stupp seconded the motion, which was adopted unanimously.

Mr. Richman reported that the Governor issued Proclamations calling for Special Elections on Tuesday, September 13, 2011 to fill vacancies in the public offices of the 9th Congressional District and the 23rd, 27th, 54th

and 73rd Assembly Districts. The Board has issued and posted the appropriate Calendars in accordance with the provisions of the NYS Election Law. Mr. Richman stated that in accordance with the provisions of Chapter 4 of the Laws of 2011 (Sections 5 & 6), the Board is required to mail military and federal ballots at least forty-five (45) days before the election, which is Friday, July 30, 2011. The Board is required to certify the Special Election ballot fifty-three (53) days before the Special Election, which is Friday, July 22, 2011. However, under the NYS Election Law, the last day to file a specification of objection to a Certificate of Nomination is July 20th, while the last day to file a specification of objection to an Independent Nominating Petition is July 25, 2011. Mr. Richman recommended scheduling the hearings for Tuesday, July 26, 2011 at 1:30 P.M. and holding July 27, 2011 for any additional hearings, if required. Commissioner Stupp moved to schedule the hearings for Tuesday, July 26, 2011 at 1:30 P.M. and hold July 27, 2011 for any additional hearings, if required. Commissioner Araujo seconded the motion, which was adopted unanimously.

Mr. Richman requested that if there are no general objections filed then the military, federal and absentee ballots be printed forthwith and mailed by the June 30th deadline and posted on the State Board's website

for use by military and federal voters. Commissioner Umame stated that the Board would know that information by the July 19, 2011 Commissioners' Meeting.

President Polanco stated that he feels a Special Election and Primary Election should not be held on the same day in the same poll site. He stated that it is unfair to have the voting machines in the same poll site during the Special and Primary Elections. President Polanco suggested putting the voting machines in separate rooms at the poll site. He requested for guidance on this matter. Mr. Richman stated that the Commissioners have already designated certain poll rooms and have not designated additional rooms. He stated that the Board does not have legal authority to request additional space. Commissioner Araujo stated that poll site space is very important and recalled that he and Commissioner Stupp visited many sites on past Election Days and there are a lot of cramped spaces. President Polanco expressed that he was concerned with a "one stop shop" on Primary Day. Commissioner Stupp agreed that a "one stop shop" was visible to her and there should be more priority for the Board to seek extra space. President Polanco inquired if there were additional mailings for the past Special Elections. Commissioner Araujo replied yes and that there were additional posters at the poll site as well.

Commissioner Araujo reported that there were no issues. Commissioner Stupp noted that she had one (1) issue where a poll worker told the voters to vote twice. Commissioner Umame stated that the Board's Voting Machine Facilities (VMFs) need to be aware that they have to deploy extra machines on Primary Day.

Mr. Richman asked the President and Secretary to help designate a Commissioners' Cover Sheet Review Committee today for Week #1 starting Monday, July 11, 2011.

President Polanco recognized Marjorie Shea, a representative of Women's City Club, who asked why the scanners have to be different for the Special and Primary Elections. Mr. Richman stated that the scanners have the same limitations as the lever machines. The scanners need to be programmed in order to read the two (2) different elections.

Ms. Vazquez presented an update regarding the Language Assistance Program (LAP) Advisory Group meeting which was held on June 6, 2011. Ms. Knipel, the Coordinator of LAP, conducted the meeting. In attendance were Ms. Vazquez, Mr. Richman, Mr. Owens, Ms. Rahmouni and the EDO Chinese and Korean Translators.

Ms. Vazquez reported that the Advisory Group received an overview of the Language Assistance Program, the current status of 2011 targeting of assisted sites in boroughs of Manhattan, Brooklyn and Queens, and information on becoming an Interpreter or Bilingual Poll Worker for the 2011 Election Cycle. The Advisory Group received a list of zip codes in each targeted Borough that had a large vacancy rate of Chinese and/or Korean Interpreters in the 2010 General Election. They were informed of the updates made to the Board's LAP program which include the Election Day "Instructions to Voters" sign which has been combined to one (1) large sign, the Election Day "Interpreter Journal" will now have an envelope that it can be placed in before being returned to the lowest ED/AD at the end of the night to ensure privacy, and the Poll Worker Manual has a page that clearly defines the role of Exit Polling. Ms. Vazquez reported that she announced the Board's ongoing Poll Worker recruitment drive and distributed the new 2011 Interpreter Recruitment flyers which are available in English, Spanish, Chinese and Korean. Ms. Vazquez reported that the feedback was very positive, expressing gratitude at the steps the Board has taken to provide support and resolve problems.

Ms. Sandow reported that an after-hours car service monitoring database has been developed by the Board's MIS Department for the

upcoming overtime petition cycle. The database will track all vouchers and employees' will be assigned to cars by zip codes which will reduce the amount of cost by 30%. There is one (1) contract manager assigned and three (3) assigned staff members per floor to monitor and input the vouchers.

President Polanco moved to convene an Executive Session to discuss personnel and litigation matters. Commissioner Ryan seconded the motion, which was adopted unanimously.

Following the Executive Session, the open public meeting resumed and President Polanco reported on the actions taken in Executive Session:

- I. The complaint by Melanie Marchese, a Clerk in the Staten Island Borough Office, was dismissed with both Staten Island Commissioners abstaining.
- II. The Commissioners unanimously granted an advance of three (3) months of sick leave to Kevin Fiore, an Administrative Assistant in the Bronx Borough Office, at the expiration of his current leave balance.

President Polanco adjourned the meeting.

The next stated meeting of the Commissioners is scheduled for Tuesday, July 12, 2011 at 1:30 P.M.