

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, MAY 15, 2007
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR HEARING ROOM
NEW YORK, NY 10004

P R E S E N T: Anthony Como, President
 James Sampel, Secretary

Commissioners Graham, Schacher, Soumas, Umane, Yennella

John Ravitz, Executive Director
George Gonzalez, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Phil Donahue, Director, Personnel
John Ward, Finance Officer
Joseph LaRocca, Coordinator, Candidate Records Unit
Elliot Borack, ACCO
Thomas Sattie, Ballot Coordinator, Candidate Records Unit
John O'Grady, Chief Voting Machine Technician
Lucille Grimaldi, Director, EVS
Gladys Fernandez, EVS
Marilyn Reyes, EVS
John Naudus, Sr. Computer Programmer
Philip Mione, Computer Data Analyst
Beth Fossella, Coordinator, Voter Registration Unit
Antonia Figueroa, EDO's Poll Site Accessibility Unit
Steve Denkberg, Counsel to the Commissioners

Guests: Peter S. Kosinski, Co-Executive Director, NYS BOE
 Carlos Cruz-Abrams, NYC Law Department
 Steve Kitzinger, NYC Law Department
 Marjorie Shea, Women's City Club
 Marylou Urban, League of Women Voters
 Alyssa Usui, NYC Voter Assistance Commission
 Teresa Hummel

President Como called the meeting to order at 1:30 P.M.

President Como moved to approve the minutes of April 24, 2007. Secretary Sampel seconded the motion, which was adopted unanimously.

President Como moved to table the minutes of May 8, 2007 until the next meeting. Secretary Sampel seconded the motion, which was adopted unanimously.

The Executive Director reported that:

- 1) The staff of the City Board and Commissioner O'Connor met with the Attorney General's Office, the State Board of Elections and OGS, in Syracuse, to discuss the proposed State contracts for new voting systems. He reported that good progress had been made with respect to the contract's Order Form and would update the Commissioners through the final drafting process.
- 2) The City Board continues to meet with Burson-Marsteller to finalize the Task Order.

Commissioner O'Connor stated that he was impressed with the State Board's presentation of the Statewide Voter Database and believes it will be easy to use.

- 3) The City Board testified before the City Council Committees on Finance and Governmental Operations regarding the Mayor's Executive Budget for FY '08 and noted key areas of concern for the City Board.
- 4) A Region 1 meeting has been tentatively scheduled for Thursday, June 8, 2007 at the Orange County Board of Elections. He invited all Commissioners to attend.
- 5) The Board staff provided the Commissioners with a copy of the Draft S-Elect/CPESS Management Procedures for their review and consideration.

The General Counsel provided the Commissioners with copies of the Draft Designating Petition and Opportunity to Ballot Petition Rules for the September 2007 Primary Election for consideration.

Commissioner Umame recommended revising the Draft Designating Petition/Opportunity to Ballot Petition Rules citing confusion

with objections to candidates who subsequently file additional pages after petitions and/or cover sheet had been filed. In response, the General Counsel reported that in Powell, et. al. v. New York City Board of Elections, the U.S. District Court found that the City Board's practice and interpretation under Rule G1 was a reasonable exercise of the Board's discretion. He outlined the steps that had been taken to "liberalize" the rules when additional petitions or documents are filled and not penalized the candidate, but expressed uncertainty in how to effectively/fairly address this issue in the Rules.

The Coordinator of the Candidate Records Unit stated that under the current rules volumes of Specifications of Objections filed with the Board are not required to be fastened. After discussion the following changes were recommended for inclusion in the Designating Petition and Opportunity to Ballot Petition Rules for the September 2007 Primary Election:

- 1) In Rule H1 add the words: "sheets of a Specification of Objection, in one or more volumes, shall be securely fastened together and numbered sequentially on each page";
- 2) Add to Rule G1: "whether or not said petition or cover sheet is

subsequently claimed by the candidate(s) appearing thereon”.

The General Counsel reported that these additions/changes would be included in the Draft Designating Petition and Opportunity to Ballot Petition Rules for their approval at the next stated meeting.

The Coordinator of the Candidates Records Unit presented the Commissioners with a draft of the Notice to Candidates for the June 5, 2007 Special Election for Member of the Assembly in the 65th Assembly District, New York for their approval. President Como moved to approve the Draft Notice to Candidates for the June 5, 2007 Special Election for Member of the Assembly in the 65th Assembly District, New York as submitted. Secretary Sampel seconded the motion, which was adopted unanimously.

The General Counsel requested that the Manhattan Commissioners' Committee be authorized to determine the date to print Machine Ballot Strips and Stand-By Ballots for the June 5, 2007 Special Election in the 65th A.D. Commissioner Umane moved to authorize the Manhattan Commissioners Committee to determine when to print Machine Ballot Strips and Stand-By Ballots for the June 5, 2007 Special

Election in the 65th A.D. Commissioner Soumas seconded the motion, which was adopted unanimously.

The General Counsel asked the Board to authorize Board staff to print the Absentee/Military and Special Ballots for the June 5, 2007 Special Election on Friday, May 18, 2007. President Como moved to authorize the Board staff to print the Absentee/Military and Special Ballots for the June 5, 2007 Special Election as of Friday, May 18, 2007.

The Director of Personnel presented the Commissioners with a copy of a draft proposed Agency Emergency Procedures for their review and approval. After discussion, the Commissioners directed the Director to undertake additional research and consultation.

Finance Officer John Ward provided the Commissioners with the Vacancy Report dated May 15, 2007.

President Como moved to grant a 30-days sick leave extension for Emily Debiase, a secretary in the Queens Office. Commissioner O'Connor seconded the motion, which was adopted unanimously.

President Como recognized Patricia Cortez, a retiree who continues to consult for the EVS Department, who is celebrating her 47th year of service with the Board. He congratulated and thanked her for the years of dedicated service.

Commissioner O'Connor asked whether recommendation have been submitted to the City Council for the vacant Bronx Republican and Brooklyn Democratic Commissioners. The Executive Director advised that the Bronx Republican County Executive Committee unanimously nominated Philip Foglia to fill the vacancy of Bronx Republican Commissioner, which was submitted to the New York City Council Speaker Christine Quinn on April 26, 2007. He had no information pertaining to the appointment of a Brooklyn Democratic Commissioner.

President Como moved to convene an Executive Session to discuss personnel and litigation matters. Secretary Sampel seconded the motion, which was adopted unanimously.

The President reported that no actions that are required to be reported were taken in the Executive Session.

President Como moved to adjourn. Commissioner O'Connor seconded the motion, which was adopted unanimously.

President Como announced that the next Commissioners' meeting is scheduled for Tuesday, May 22, 2007 at 1:30 p.m.