

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, DECEMBER 18, 2007
AT 1:30 P.M.
42 BROADWAY, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

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

Commissioners Dent, Graham, O'Connor, Polanco, Schacher, Soumas,
Umane, Yennella

Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Valerie Vasquez, Director, Communications
John Ward, Finance Officer
Phil Donahue, Director, Personnel
Joseph LaRocca, Coordinator, Candidate Records Unit
Thomas Sattie, Ballot Coordinator
Elliot Borack, ACCO
Lucille Grimaldi, Director, EVS
Philip Mione, EVS
Mona Huang, Sr. Computer Programmer, EVS
Gladys Fernandez, Technical Writer, EVS
Rosanna Rahmouni, Coordinator, EDO
Steven Denkberg, Counsel to the Commissioners

GUESTS: Marjorie Shea, Women's City Club
 Aaron Belisle, CIDNY
 Adrienne Kivelson, League of Women Voters
 Glen Magpantay, AALDEF
 Chejin Park, Korean American Voters Council
 Andrea Senteno, Citizen Union
 Henry Berger, Clinton for President Campaign
 Jerry Koenig, Obama for President Campaign
 Nicholas Zimmitti, President – CWA 1183
 Stephen Kitzinger, NYC Law Department

Spencer Fisher, NYC Law Department
Lisa Grumet, NYC Law Department

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

President Como announced that the Commissioners would conduct the Hearings on Prima Facie matters relating to the February 5, 2008 Presidential Primary Election prior to the regular Board meeting and advised the Candidates' representatives of the procedures to be followed at the Hearing.

Upon conclusion of the hearings on Prima Facie matters, President Como convened the Board's regular meeting at 2:00 P.M.

President Como moved to adopt the minutes of the November 13, 2007, November 20, 2007, November 27, 2007 and December 4, 2007 meetings. Secretary Sampel seconded the motion, which was adopted unanimously.

President Como moved to table the minutes of December 11, 2007. Secretary Sampel seconded the motion, which was adopted unanimously.

Commissioner O'Connor moved to grant Angel Holcomb, an Administrative Assistant in the Executive Office [Poll Site Accessibility Unit], a 30-day sick leave extension, retroactive to December 4, 2007. President Como seconded the motion, which was adopted unanimously.

The Administrative Manager reported that today Board staff is visiting Selis Manor to analyze each of the thirteen elements to properly assess the possibility of relocating the Manhattan BMD poll site to this site as the new BMD poll site.

The General Counsel asked the Commissioners to approve the proposed Chinese and Korean Language Voting Assistance Program (including the Plan, the Commissioners' Statement, the Memorandum of Understanding and the letter to the Plaintiffs) upon the granting of pre-clearance by the U.S. Attorney General or by a federal court under Section 5 of the Voting Rights Act of 1965, as amended. The General

Counsel advised that Board staff working with the NYC Law Department developed this program to enable the Board to better meet its obligations under Section 203 of the Voting Rights Act and provide service and assistance to those voters covered under this federal law. Together with the related Memorandum of Understanding signed by the plaintiffs, approval of this program will result in the settlement of the matter now pending in the U.S. District Court for the Southern District of New York, under the caption: "Chinatown Voters Education Alliance, Et. Al. v. Ravitz, Et. Al." [06-CIV. 913].

President Como opened the floor to comments:

Chejin Park, Esq., Staff Attorney for the Korean American Voters Council expressed support for the proposed Chinese and Korean Language Voting Assistance Program.

Commissioner O'Connor moved to approve the proposed Chinese and Korean Language Voting Assistance Program and authorized the Board's General Counsel to submit the same for pre-clearance. Commissioner Umame seconded the motion, which was adopted unanimously.

In addition, Commissioner O'Connor thanked Assistant Corporation Counsels Steve Kitzinger, Lisa Grumet and Spencer Fisher for their work on behalf of the Board of Elections in this matter.

The General Counsel reported with respect to the United States v. State of New York that:

- 1) The State and the State Board made its submissions on Friday to the District Court (copies distributed include the materials submitted by the New York State Attorney General and State Board of Elections).
- 2) The N.Y.S. Attorney General has strongly pointed out that the federal government is also partially responsible for the problems New York State is experiencing with respect to this matter.
- 3) The ECA was successful in submitting its Amicus Brief and Declarations from five counties and its President on Monday, December 17, 2007.
- 4) The U.S. Department of Justice advised Justice Sharpe that it does not object to the filing of the Amicus and all involved assume that it will be considered by the Judge at Thursday's

Hearing.

The Coordinator of Election Day Operations provided the Commissioners with the Poll Worker's Election Exception Report for the February 5, 2008 Presidential Primary Election. Each Borough Commissioners' Committee has approved their Borough Report. President Como moved to adopt the Exception Report as submitted. Commissioner Soumas seconded the motion, which was adopted unanimously.

Finance Officer John Ward provided the Commissioners with the Comparative Expenditure Report dated December 18, 2007.

Commissioner Schacher moved to grant Richard Kanar, a Senior Voting Machine Technician in the Brooklyn VMF, leave without pay to serve internship with the United States Mission to the U.N. After discussion, Commissioner Graham moved to refer the matter to the Brooklyn Commissioners for further action. Commissioner Schacher seconded the motion, which was adopted unanimously.

Commissioners Umane moved that all Board of Elections' facilities cease normal operations as of 2:00 PM on Monday, December 24, 2007 and Monday, December 31, 2007, provided that each office designates two staff members (one Democrat and one Republican) to staff each office's front counter between 2:00 PM and 5:00 PM on those days. Nicholas Zimmitti, President, CWA, Local 1183 expressed his support of this motion. President Como seconded the motion, which was adopted unanimously.

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

President Como reported that no action was taken in the Executive Session.

President Como moved to adjourn. Secretary Sampel seconded the motion, which was adopted unanimously.

President Como announced that the next Commissioners' meeting

is scheduled for Tuesday, January 8, 2008 at 1:30 P.M.