

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, FEBRUARY 26, 2008  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR HEARING ROOM  
NEW YORK, NY 10004

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P R E S E N T:           James Sampel, President  
                              Frederic Umane, Secretary

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

Marcus Cederqvist, 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  
Ed Fraga, Consultant, Gartner  
Lucille Grimaldi, Director, EVS  
John Naudus, Senior Systems Analyst  
Mona Huang, Senior Systems Analyst  
Gladys Fernandez, Technical Liaison, EVS  
Yi Yu, Senior Computer Programmer, EVS  
Philip Mione, Comp. Data Analyst, EVS  
John O'Grady, Chief Voting Machine Technician  
Boris Pincus, HAVA Training Spec., EDO  
Steve Thompson, HAVA Training Spec., EDO  
Nicholas Bellucci, Admin. Asst, EDO  
Juan Del Carmen Polanco, Admin. Asst, EDO  
Antonia Figueroa, Poll Site Accessibility Unit  
Jack Courtney, Temporary Attorney  
Steven Denkberg, Counsel to the Commissioners

GUEST:    Israel Rodriguez, NYC Council  
              Norman Rosenthal, Delegate to National Convention, 9<sup>th</sup> CD

David Caruso, Associated Press  
Aaron Belisle, CIDNY  
Mary Lou Urban, League of Women Voters  
Andrea Senteno, Citizen Union  
Alyssa Usui, Voters Assistance Commission  
Marjorie Gersten  
Mark Herman

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President Sampel called the meeting to order at 1:36 P.M.

The following were added to the meeting's agenda:

- Bronx Personnel as Item #6; Legislative Package as Item #7; and a request for an Executive Session.

The President announced that the Commissioners would certify the results of the February 5<sup>th</sup> Presidential Primary Election.

The Coordinator of the Candidate Records Unit Joseph LaRocca reported that on February 25, 2008 he, Executive Management, the General Counsel, and Patricia Cortez met with the Borough Chiefs and Deputies to review the discrepancy reports for the Presidential Primary. He presented the Commissioners with the Statement and Return Reports for the February 5, 2008 Presidential Primary Election for each borough and Congressional District for certification.

Secretary Umane moved to approve the Statement and Return Reports for the Certification of the February 5, 2008 Presidential Primary Election as presented. Commissioner Graham seconded the motion, which was adopted by a vote of 8 in favor (President Sampel, Secretary Umane, Commissioners Como, Dent, Graham, Polanco, Schacher, and Yennella) and 2 opposed (Commissioners O'Connor and Soumas).

Pursuant to the request of the respective Commissioners, Chief Clerk Barbara Conacchio presented Commissioner O'Connor with the results of the Presidential Primary Election for Queens County for review, and Chief Clerk Troy Johnson and Deputy Chief Clerk Timothy Gay presented Commissioner Soumas with the results for New York County for review.

Secretary Umane moved to designate the Queens Republican Commissioner as the second Republican member of the Canvassing Board for New York County (in addition to the Secretary). President Sampel seconded the motion, which was agreed to unanimously.

President Sampel moved to designate Commissioner Dent as the second Democratic member of the Canvassing Board for Richmond

County. Secretary Umane seconded the motion, which was agreed to unanimously.

Secretary Umane moved to authorize staff to utilize the Commissioner's official signature stamps for the certification reports. President Sampel seconded the motion, which was adopted unanimously.

Secretary Umane moved that Board staff prepare a formal report on claims that Senator Barack Obama received no votes in some Election Districts in the February 5, 2008 Primary. He reported that the Board's preliminary report indicated that:

- There were thirty five (35) instances where the inspectors made errors;
- There were twenty (20) instances where data entry errors were made by the NYPD; and
- Twenty seven (27) instances where the results (O votes for Senator Obama) were correctly reported.

He stated that the public and the press (including editorial page editors) should be reminded of the statutory process for closing the polls and advised that while additional training and education could make an

impact, it's difficult for inspectors who've worked a very long day. President Sampel seconded the motion, which was adopted by a vote of 9 in favor (President Umane, Secretary Umane, Commissioners Como, Dent, Graham, Polanco, Schacher, Soumas, and Yennella) and 1 opposed (Commissioner O'Connor).

Secretary Umane moved to approve the minutes of the January 29<sup>th</sup>, the February 6<sup>th</sup>, and the February 8<sup>th</sup> meetings as distributed. President Sampel seconded the motion, which was adopted unanimously.

Secretary Umane moved to table the minutes of February 12, 2008. President Sampel seconded the motion, which was adopted unanimously.

The Executive Director provided the Commissioners with the draft of his letter to Deputy Director Steven Levine of the City's Office of Management and Budget in response to Mr. Levine's dated February 13, 2008 wherein OMB commits to fund only the first year of work under the proposed Task Order E. This task order would permit the NYC Board to have Gartner Consulting continue as the Project Management and Quality Assurance vendor for HAVA implementation. The terms of the task order

cover all anticipated services for the transition to a new voting system in New York City through 2010.

Secretary Umane moved to authorize the Executive Director to send his response to OMB noting the extensive assistance of the Gartner Consultants and their importance to this process. Commissioner Schacher seconded the motion, which was adopted by a vote of 9 in favor (President Umane, Secretary Umane, Commissioners Como, Dent, Graham, O'Connor, Polanco, Schacher, and Yennella) and 1 abstention (Commissioner Soumas).

The Deputy Executive Director reported that he, Marcus Cederqvist, Pamela Perkins, and Steve Richman along with Assistant Corporation Counsels from the NYC Law Department and the Board's outside counsels are scheduled to meet with the staff of the Voting Section, U.S. Department of Justice, in Washington, D.C., on Wednesday, February 27, 2008 at 1:45 P.M. regarding the Board's proposed new Language Assistance Program, which has been submitted for pre-clearance under the Voting Rights Act.

After some discussion, Commissioner O'Connor moved to authorize

Executive Management and the General Counsel to meet with the staff of the Voting Section of the U.S. Department of Justice in Washington, D.C. Secretary Umame seconded the motion, which was approved by a vote of 8 in favor (President Umame, Secretary Umame, Commissioners Como, Dent, Graham, Polanco, Schacher, and Yennella) and 2 opposed (Commissioners O'Connor and Soumas).

Finance Officer John Ward provided the Commissioners with the Vacancy Report dated February 19, 2008 as well as the Comparative Expenditure Report dated February 26, 2008.

Commissioner Polanco moved to advance Victoria Caruso-Anderson, an Administrative Assistant in the Bronx Office, 210 hours of sick leave, retroactive to February 7, 2008. Commissioner Graham seconded the motion, which was adopted unanimously.

The General Counsel had distributed the proposed 2008 State Legislative proposals to the Commissioners.

Secretary Umame suggested that, while all the proposed legislation in

the 2008 Draft Legislative Package is important, the Board should focus on proposals that may be more likely to be enacted and omit those that haven't been enacted after several attempts. He asked that all Commissioners consider the draft and requested that this item be placed on the next meeting's agenda for action.

Secretary Umane moved to convene an Executive Session to discuss personnel matters. President Sampel seconded the motion, which was agreed to unanimously.

President Sampel reported that no action was taken in Executive Session.

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

The next Commissioner's meeting is scheduled for Tuesday, March 4, 2008 at 1:30 P.M.