

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, JULY 29, 2008  
AT 10:00 A.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:           President James Sampel  
                              Secretary Frederic Umame

Commissioners Dent, Graham, Schacher, Soumas, Polanco, Yennella

Marcus Cederqvist, Executive Director  
George Gonzalez, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
John Ward, Finance Officer  
John Owens Jr., Campaign Finance Enforcement  
Joseph LaRocca, Coordinator, Candidate Records Unit  
Steven Denkberg, Counsel to the Commissioners  
Charles Webb III, Counsel to the Commissioners

GUEST:     Andrea Senteno, Citizens Union  
              Marjorie Shea, Women's City Club  
              Adrienne Kivelson, League of Women Voters  
              Teresa Hummel, Community Church of New York

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President Sampel called the meeting to order at 10:04 A.M.

President Sampel moved to adopt the revised minutes of the May 6<sup>th</sup>,  
May 13<sup>th</sup>, May 20<sup>th</sup>, May 27<sup>th</sup>, June 3<sup>rd</sup>, June 10<sup>th</sup>, June 24<sup>th</sup>, and July 1<sup>st</sup>  
meetings. Secretary Umame seconded the motion, which was adopted

unanimously.

The Executive Director reported that:

- A) Today is the final delivery date for the BMDs. 142 BMDs are expected to be delivered to the Manhattan Office today. Of the 1,432 BMDs that have been acceptance tested; 300 remain to be tested.
- B) The Poll Worker Training classes are now four hours rather than three hours. Instead of three – three hour classes a day, the Board will now have two four classes cutting the classes to 8 hours rather than 9 hours. He asked the Commissioners for a determination with respect to paying the trainers for their time, noting that trainers were basically paid \$300 for a full day of training.

Secretary Umame moved that Board staff maintain the current per hour rate for the trainers. Commissioner Polanco seconded the motion, which was adopted unanimously.

- C) The Board will conduct public demonstrations of the BMDs starting Monday, August 4, 2008 in every borough.

He invited everyone to attend these scheduled demonstration dates.

A Public notice will be placed on the Board's website.

The General Counsel provided the Commissioners with a copy of the Revised Draft letter to the State Board of Elections concerning the failure of the City of New York to provide sufficient funding to hire the Poll Workers deemed necessary to properly staff the BMDs.

President Sampel moved to amend the Draft letter to the State Board of Elections by deleting the wording after, "*Justice and the Court*" as suggested by Commissioner Soumas. Commissioner Dent seconded the motion, which was not adopted unanimously.

President Sampel moved that the General Counsel delete the cc mail list on the State Board's letter as suggested. Commissioner Schacher seconded the motion, which was not adopted by a vote of four in favor (Secretary Umane, Commissioners Polanco, Soumas, and Yennella) and four opposed (President Sampel, Commissioners Dent, Schacher, and Graham). The motion failed; the letter stands as is.

Secretary Umame moved to adopt the letter to the State Board of Elections as amended. Commissioner Graham seconded the motion, which was adopted by a vote of six in favor (President Sampel, Secretary Umame, Commissioners Dent, Graham, Polanco, and Schacher); two opposed (Commissioners Soumas and Yennella). The motion passed.

The General Counsel reported that on July 7, 2008, the Governor signed the Gelb Extender Bill into law as Chapter 187 of the Laws of 2008 [A. 10087/S. 8443] which extends the provisions of Chapter 92 of the Laws of 2001 for one additional year. He reported that the Commissioners of the Board of Elections in the City of New York will have the ability to chose:

- A) Not to canvass the write-in votes at the poll site but back at the Voting Machine Facility during the canvass; and
- B) For purposes of orderly ballot configuration, not to place a write in slot for party positions unless a valid petition for an opportunity to ballot has been filed.

Secretary Umame moved to adopt the amendment to the Gelb Extender Bill as submitted. Commissioner Dent seconded the motion, which was adopted unanimously.

The General Counsel advised that the Board received the NYC Department of City Planning target analysis report designating poll site under the revised Language Assistance Program. The MIS Department along with EDO and the Ballot printing staff is putting together a final list so Board staff will be able to mail military ballots in accordance with Section 203 of the Voting Rights Act.

The General Counsel provided the Commissioners with the State Board of Election's determination in the matter of Robert McFeeley v. NYC Board of Elections. At the suggestion of Secretary Umane, the General Counsel explained that with the advent of the Statewide Voter Registration List the NYS Board of Elections adopted an elaborate set of rules and procedures titled "Database Regulations" under Section 6217.5 of the Election Law. In order to ensure that the requirements of subsection 3 of §6217.5 were met the State Board mandated that all voter registration activity must be done by a bipartisan team of workers and electronically recorded, to assure fairness and uniformity in the process. This is not the process employed in the City of New York. The General Counsel advised that the NYC Board asked the State Board for some assurance that before they send a potential duplicate or any other information to ensure that other

County Boards of Elections were in compliance with the regulatory requirements. The State Board advised that they assumed that the other County Board's were in compliance and the NYC Board should just transmit its voter registration data to them. In response the Commissioners of the New York City Board of Elections determined to exercise its power since the law provides that every registration is purely a function of the local Board to make a determination. The Board of Elections in the City of New York changed the City system so that the NYC Board could comply with the requirements and rather than act unilaterally on the Statewide Database List, the NYC Board would exercise its right to send a Notice of Intent to Cancel to any person who is suspected of possibly being a duplicate registration and who may not be eligible to vote in the City of New York. The NYC Board of Elections sends a Notice of Intent to Cancel, by first class forwardable mail, to the person's address from which they are registered advising them that they have 14 days in which to respond if they believe they're still qualified. The General Counsel advised that this process takes longer but protects the rights of the voter.

The Finance Officer John Ward provided the Commissioners with the Comparative Expenditure Report dated July 29, 2008.

Secretary Umane moved that the NYC Board discontinue using political clubs/organizations as locations for Poll Worker Training, effective immediately. Commissioner Polanco seconded the motion, which was adopted by a vote of six in favor (President Sampel, Secretary Umane, Commissioners Graham, Graham, Schacher, Polanco, and Yennella); two abstentions (Commissioners Dent and Soumas).

Commissioner Polanco acknowledged both John Friscia, Chairman of the Richmond County Republican Party and Robert Conroy, Chairman Kings County Independence Party.

There was no Executive Session.

President Sampel moved to adjourn the Board's regular meeting and convened the Hearings on Specifications of Objections to the September 9, 2008 Primary Election at 10:45 A.M.