

Approved # 1077

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, FEBRUARY 3, 2009  
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: President Frederic Umane  
Secretary Julie Dent

Commissioners Araujo, Polanco, Sampel, Schacher, Silie, Soumas, Stupp,  
Yennella

Marcus Cederqvist, Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
John Owens Jr., Director, Campaign Finance Enforcement  
John Ward, Finance Officer  
Dorothy Delayo, Director, Personnel  
Valerie Vazquez Rivera, Director, Communications and Public Affairs  
Joseph LaRocca, Coordinator, Candidate Records Unit  
Steven Ferguson, Director, MIS  
Sheila DelGiorno, Chief Clerk, Staten Island Board Office  
Lisa Sattie, Administrative Associate, Staten Island Board Office  
Barbara Conacchio, Chief Clerk, Queens Board Office  
Katherine James, Deputy Chief Clerk, Queens Board Office  
Charles Webb, Counsel to the Commissioners  
Steve Denkberg, Counsel to the Commissioners

GUEST: NY1 News  
Staten Island Advance  
City Hall Newspaper  
Mary Lou Urban, League of Women Voters  
Israel Rodriguez, City Council  
Marjorie Shea, Women's City Club  
Andrea Senteno, Citizen's Union  
Rima McCoy, CIDNY  
Caroline Heinle, Burson-Marsteller

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President Umane called the meeting to order at 1:45 P.M.

President Umane announced that the Commissioners would conduct the Hearings on challenges to Independent Nominating Petitions prior to the regular Board meeting and advised the Candidates and/or their representatives of the procedures to be followed during the hearing related to the February 24, 2009 Special Elections for Member of the City Council, 21<sup>st</sup>, 32<sup>nd</sup>, and 49<sup>th</sup> Council Districts.

The Commissioners conducted the hearings.

The President declared a five minute recess before the regular meeting.

The President convened the regular meeting at 4:04 P.M.

Commissioner Schacher moved to adopt the minutes of January 6, 2009 and January 13, 2009. Commissioner Sampel seconded the motion, which was adopted unanimously.

Commissioner Silie requested an Executive Session to discuss a personnel matter.

The Executive Director gave his HAVA update. Mr. Cederqvist reported as in previous meetings, the Board staff is proceeding as if the new voting system and implementation will definitely occur. The Judge's order mandates that there is a new voting system for September, and has not been modified; notwithstanding the delays from the State Board of Elections and the absence of certification of the new voting systems. Mr. Cederqvist said the staff has resumed meeting to coordinate the required work. The Board staff has had to make some arbitrary assumptions which are necessary to create a staff work schedule. Among the assumptions are: (1) the Board must implement the new voting systems for September 2009 notwithstanding the fact that the State has not certified any new voting systems (2) the order must be placed by March 31, 2009; (3) the voting machine facilities that the Board has been working with DCAS to secure will be ready to accommodate the new voting systems. The Executive Director announced that the remaining vendors (ES&S and Sequoia) will conduct a demonstration of their respective voting systems for the Commissioners and the public on Tuesday, February 10, 2009. The

Director of Communications is finalizing the schedule for the five borough public demonstrations.

The Executive Director also reported that the Evaluation Committee established by the Commissioners for the BMD selection will reconvene to review the new voting systems. Both the Evaluation Committee and the Board's consultants, Gartner, plan to submit their reports on the new voting systems to the Commissioners on March 10, 2009.

Mr. Cederqvist reported that the Mayor's Preliminary Budget was very severe with regards to the Board. The Board is currently underfunded by up to \$11 million dollars, depending on whether it will conduct a widely-speculated Special Election in the Bronx. Commissioner Soumas stated that the two things the Government can't skimp on are the census and the elections. He said the Board has to address the Legislature and City Council, and also let the public know that things are going to get worse and voters may not have the opportunity to exercise their right to vote. Mr. Cederqvist said he will work with the Budget Committee on a letter, but he is also awaiting an invitation to testify before the New York City Council Committee regarding the preliminary budget. Commissioner Polanco suggested public hearings on this matter in each of the five boroughs, and

Commissioner Dent suggested to alert local newspapers as well. The General Counsel suggested contacting Albany too. By a unanimous consent, President Umane directed Executive Management to prepare a letter to the Legislature and City Council. After review and comments from the Commissioners, it is to be mailed out before the end of this week.

President Umane announced that by unanimous consent, the Board has scheduled a public hearing on the new voting systems on Wednesday, March 4, 2009 from 6 P.M. – 9 P.M. at 42 Broadway, 6<sup>th</sup> Floor Commissioners' Hearing Room.

Mr. Cederqvist reported that Theresa Hommel, representing the Community Church of New York, recently requested that the Board to post the Commissioners' weekly Agenda on the Board's website. President Umane announced that by unanimous consent the Commissioner's weekly Agenda will be posted on the Board's website during a 3 month pilot project. The Agendas will remain posted online for a period of two weeks.

Commissioner Polanco inquired if we can have the Commissioners' meetings webcasted online. President Umane requested that the Public

Affairs Committee look into the possibility of webcasting the Commissioners' meetings.

The Finance Officer provided the Commissioners with the Vacancy Report dated February 3, 2009. Mr. Ward then reported on the Mayor's Preliminary Budget for Fiscal Year 2010. Under the Mayor's plans the Board of Elections' budget is reduced by \$15 million dollars for Fiscal Year 2010.

The General Counsel discussed the procedures for processing voters with felony convictions. Mr. Richman distributed a memorandum regarding the statutory procedure for the processing of voters reported to have been convicted of a felony. The General Counsel discussed the statute's three specific exemptions for not issuing a Notice of Intent to Cancel. He recommended that the Commissioners reconsider their determination made last week and direct the Board staff to use the Notice of Intent to Cancel procedure for potential felons as well. President Umane made a motion to table for a week. Commissioner Schacher seconded the motion, which was adopted unanimously.

The General Counsel also reported on the Board's proposed

Legislative Package and its Information and Education Day in Albany. Mr. Richman distributed the draft for 2009 Recommended Revisions in the New York State Election Law. He asked the Commissioners to submit any comments or changes by next week.

Salvatore Barrera, Administrative Associate in the Brooklyn Borough Office, presented the updated BMD ballot canvass procedures for Commissioners' review. The draft permits two options on how to count the ballots in a quicker manner (Pgs. 6 & 9). The work stream also developed a trouble guide for the lead staff of what to expect on an actual count (Pg. 12), a guide for the lead staff to help resolve problems (Pg. 13), and an appendix to help in the ballot count. Mr. Barrera noted that the updated BMD ballot canvass procedures should be adopted before the February 24, 2009 Special Election. Secretary Dent made a motion to table the updated procedures for a week. Commissioner Soumas seconded, which was adopted unanimously.

The Commissioners convened an Executive Session to discuss personnel matters.

The President reported that in Executive Session the Commissioners

took the following personnel actions:

- A) To reimburse Pamela Perkins, Administrative Manager, for expenses she had returned to the Board in connection with her attendance at the Black and Puerto Rican Legislative Caucus in Albany, N.Y. because of the educational and informative services she performed for the Board of Elections at these events. This is consistent with her duties and responsibilities at the Board and it was an important effort which benefited the agency. The expenses were incurred within the guidelines of Comptrollers' Directive #6. The motion was made by Commissioner Polanco, seconded by Commissioner Silie, and adopted unanimously.
- B) Authorized Commissioner Silie to attend the 2009 Black and Puerto Rican Legislative Caucus meeting over President's Day weekend, to conduct educational and informational activities on behalf of the Board. Her expenses are to be reimbursed in accordance with Comptroller's Directive #6. The motion was adopted unanimously.
- C) Authorized a sick leave advance of 210 hours for Damian

Castro, Clerk in the Bronx Office. The motion was adopted unanimously.

President Umane commended the Queens Borough Office staff, Mr. Anthony Andriulli, Mr. Tom Sattie and Mr. George Gonzalez for their efforts throughout the entire 11<sup>th</sup> State Senate District recanvass.

President Umane stated it was the first year that some of the Commissioners' Committees had more than two Commissioners as members. President Umane made a motion to permit the people who have most seniority to act as the Co-Chairman of the committee so there can be some continuity to call meetings and add more organization to the committees. Commissioner Polanco seconded the motion, which was adopted unanimously.

President Umane stated that this Board has been asked by various good government groups to provide additional data in the 2008 Annual Report. The President reminded senior staff that as soon as the 11<sup>th</sup> Senate District is certified, we need to compile the numbers promptly and produce an expanded Annual Report. President Umane stated that last year, the Board's Public Affairs committee developed a very nice glossy

Annual Report. However, that report was criticized because it did not provide much of the information continued in prior annual reports. It was discussed that the Board should modify the Annual Report, and include additional data and information. The Executive Director reminded that the Director of Communications has been working on a draft of the report.

Pursuant to Election Law and the Independent Nominating Petition rules, President Umane designated Commissioners Yennella and Polanco and Secretary Dent designated Commissioner Sampel and Araujo as the Board's Committee to conduct hearings on the remaining Staten Island specifications on Friday, February 6, 2009 at 12:00PM in the 6<sup>th</sup> Floor EVS Conference Room.

President Umane adjourned the meeting.

The next Commissioners' meeting is scheduled for Tuesday, February 10, 2009 at 1:30 PM.