

Approved # 1079

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, MARCH 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

Marcus Cederqvist, Executive Director  
George Gonzalez, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
John Owens Jr., Director, Campaign Finance Enforcement  
Dorothy Delayo, Director, Personnel  
Steve Ferguson, Director, MIS  
Charles Webb, Counsel to the Commissioners  
Steve Denkberg, Counsel to the Commissioners

GUEST: Mary Lou Urban, League of Women Voters  
Teresa Hommel, Community Church of New York  
Rima McCoy, CIDNY  
Marjorie Shea, Women's City Club  
Andrea Senteno, Citizen's Union

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President Umane called the meeting to order at 1:41 P.M.

Commissioner Umane made a motion to table the minutes of January 27, 2009, February 3, 2009, February 10, 2009 and February 17, 2009. Commissioner Polanco seconded the motion, which was adopted

unanimously.

Commissioner Polanco requested that President Umane recognize Commissioner Yennella's departure from the Board. President Umane stated Commissioner Yennella worked for many years at the Staten Island Office. He stated that Commissioner Yennella's successor is J.P. Sipp, an attorney. President Umane stated that Commissioner Yennella served the Board in many capacities for many years, was very helpful and will be missed. He wished Commissioner Yennella and her family well. Secretary Dent also commended Commissioner Yennella's dedicated service at the Board, and wished her well.

The Executive Director presented the HAVA update. Mr. Cederqvist reported on the public demonstrations of potential new voting systems that were held in the five boroughs over the last two weeks. He noted that the Manhattan demonstration had a large attendance with over 100 people. The Executive Director reminded all that the public hearing relating on the potential new voting systems will be held tomorrow, Wednesday, March 4, 2009, in the 6<sup>th</sup> Floor Commissioners' Hearing Room from 6PM to 8:30PM. He added that each speaker can register prior to the hearing in person at the Reception Counter or by telephone by calling the Board's Office of

Communications by 5:30 P.M. on March 4, 2009. He reminded everyone that the draft procedures for the hearing limits each speaker to three minutes and that the procedures for the public hearing will be posted on the Board's website once they are adopted by the Commissioners.

The Executive Director directed the Commissioners attention to the two most recent weekly reports from the State Board of Elections to Judge Sharpe and the Department of Justice on the status of the new voting systems.

The Executive Director reported that the Board conducted three Special Elections for vacant City Council seats on February 24, 2009. He reported that there was a last-minute court decision at about 2:30pm the day before the election that added a candidate to the ballot in the contest for the 49<sup>th</sup> Council District in Staten Island. He commended the Staten Island Office in exhibiting great dexterity to handle this last-minute change, which had to be help entirely on paper ballots. He stated that the contest in Staten Island had a relatively high turnout for the Special Election.

The Executive Director reported that the Mayor has signed a Proclamation calling for a Special Election to be held on Tuesday, April 21,

2009 for the vacant Bronx Borough Presidency. The last day to file Independent Nominating Petitions for this non-partisan election is March 16, 2009.

The Executive Director reported the New York State Board of Elections' Annual Election Officials Conference has been scheduled for Monday, April 27 through Wednesday, April 29, 2009 and that there was further information from the State Board concerning the conference in the agenda booklet.

The Executive Director reported that he received a notice from the City Council's Committee on Governmental Operations for a hearing on the Mayor's Fiscal Year 2010 Preliminary Budget for the Board on Thursday, March 12, 2009 at 10:45AM in City Hall. He stated that he would begin to prepare testimony for the hearing shortly and welcomed any suggestions or ideas from the Commissioners.

The General Counsel distributed the updated schedule for the State Government Education and Information Day in Albany, NY to the Commissioners and Executive Management. Mr. Richman confirmed the meeting with the Chairs with the two respective Election Law Committees,

as well with the Executive Chamber. The General Counsel stated the 12PM – 2PM luncheon invitations have been mailed out to all the members of the NYC Delegation in both houses, members of both Election Law Committees and the bi-partisan leadership. Mr. Richman reported that Assembly Member Molinaro, the ranking member on the Election Law Committee, will be attending the luncheon at 12PM.

The General Counsel reported that he drafted the procedures to appear at the public hearing tomorrow on the potential new voting systems. He stated they will posted on the Board's website, upon Commissioners' approval.

Commissioner Polanco strongly recommended that the Board's website should be revamped to be more user friendly. He inquired as to who maintains the Board's website. Secretary Dent stated that she and President Umane are the new Chair Members of the Management Information Systems and Services Executive Committee, and they will make it a priority to revamp the Board's website. Secretary Dent stated it is very important to have a user friendly website for the public and Board staff. President Umane requested Executive Management to look into this with staff and gather some suggestions on how to create the Board's

website to be more user friendly. Commissioner Schacher suggested the Director of Communications look into this matter as well.

President Umane suggested a sign-up requirement for the public hearing and that the Director of Communications and Public Affairs be the recipient of the names.

The Commissioners suggested that the public hearing procedures be amended as follows: #1 should read, “Speakers shall register prior to the commencement of the hearing either by calling the Board at (insert phone #) or by appearing at the Reception Court of the Commissioners Hearing Room...” President Umane made a motion to adopt the procedures, as amended. The motion was adopted unanimously.

Commissioner Polanco inquired if there was a press release on the public hearing. The Director of Communications and Public Affairs confirmed there was a press release.

The General Counsel requested the Commissioners to review and provide any recommendations or amendments to be included in the Designating Petition and Opportunity to Ballot Petition Rules for the

September 15, 2009 Primary Election, which will be considered at the March 17, 2009 meeting.

The Director of MIS distributed a letter he received from the Chief Information Officer of the State Board regarding interim voter maintenance procedures for deaths, felons and duplicates dated February 27, 2009. Mr. Ferguson explained the key points on having access to the State Board's electronic files. He stated the State Board receives the death files on a monthly basis, duplicates on an ongoing basis, and felons periodically. Mr. Ferguson sought these lists to be downloaded from the State Board to MIS, who will then send the lists to the Borough Office. The Borough Office's will determine if a voter is deceased and cancel them. If they appear to be duplicates, a Notice of Intent to Cancel will be sent. The method of processing a voter maybe a felon has been tabled until the next Commissioners' meeting. The Director of MIS stated the changes will be made directly into the NYC Board's system in a bi-partisan matter. The Director of MIS stated he will discuss with the State Board on how to communicate the NYC Board's actions to the State Board. Commissioner Schacher inquired how the people will be removed. Mr. Ferguson stated that the NYC Board would probably have to send back the list to the State Board for them to remove the people from the list. The Director of MIS

discussed the estimated time period that the Board will use this interim process in lieu of full usage of the State Board's interface. Mr. Ferguson stated he believed the State Board is not clear on when the NYC Board will utilize NYS Voter II. It is Mr. Ferguson's understanding that until the State implements an electronic bi-partisan system all transactions, the NYC Board will not use the interface. Commissioner Soumas inquired if the NYC Board filed a complaint with the State Board. The Executive Director stated the Board filed a HAVA complaint which was dismissed. The General Counsel stated the State Board dismissed the complaint on the basis that the relief we sought was not a remedy allowed by law. Commissioner Soumas stated the Board has to commence judicial action. After discussion, President Umane stated the issue would be discussed in Executive Session.

President Umane suggested the General Counsel to prepare a brief report on the question of processing felons. Mr. Richman said he will circulate his prior report before the Commissioners' next meeting.

In the absence of the Finance Officer, President Umane read Mr. Ward's Comparative Expenditures Report dated February 24, 2009 and Vacancy Report dated March 3, 2009.

Commissioner Schacher made a motion to authorize the advance of 210 hours of sick leave to Jeffrey Lodge, Voting Machine Technician, in the Brooklyn Office. Secretary Dent seconded the motion, which was adopted unanimously.

President Umane moved to convene an Executive Session to discuss personnel and litigation matters.

President Umane announced the public hearing regarding the new voting systems will be held tomorrow, Wednesday, March 4, 2009 in the 6<sup>th</sup> Floor Commissioners' Hearing Room from 6:00PM to 8:30PM.

The President reported that in Executive Session the Commissioners took the following personnel actions:

A) Commissioner Soumas made a motion to authorize the granting of additional 210 hours from the sick leave bank for John Wolf, Project Coordinator in the Executive Office. President Umane seconded the motion, which was adopted unanimously.

Commissioner Umane adjourned the meeting.

The next Commissioners' meeting is scheduled for Tuesday, March 17, 2009 at 1:30 PM.