

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, MARCH 31, 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, Sampel, Schacher, Sipp, Soumas, Stupp

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  
John Ward, Finance Officer  
John O'Grady, Chief, Voting Machine Technician  
Dorothy Delayo, Director, Personnel  
Charles S. Webb, III, Counsel to the Commissioners  
Steven B. 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  
              Stewart Armstrong, VAC  
              Caroline Heinle, Burson-Marsteller  
              Mark Santiago, NYC Campaign Finance Board  
              Mark B. Herman

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President Umane called the meeting to order at 1:37 P.M.

President Umane and Commissioners Schacher requested an Executive Session to discuss personnel matters.

President Umane moved to table the draft minutes of March 17, 2009 and March 24, 2009. Commissioner Schacher seconded the motion, which was adopted unanimously.

The Executive Director presented the HAVA update. Mr. Cederqvist reported on the State Board's conference call with the Executive Committee of the NYS Election Commissioners Association last Friday. Non members were invited to listen to the Conference call, but were not allowed to participate. Commissioner Schacher stated she listened in on the conference call as well. The Executive Director stated the State Board requested a conference with the U.S. District Judge that was held Friday morning. Judge Sharpe stated that non-compliance was not an option, but if something was worked out between the State Board and the U.S. Department of Justice, he would consider it. The Executive Director stated he was concerned because it is almost April and no voting system is certified yet. Mr. Cederqvist assumed the Department of Justice will determine how aggressively they want to pursue this, and whether or not

they will work with the State Board to develop a more realistic plan as for the implementation of a new voting system.

The General Counsel reported the State Board advised the Court that it is impossible to implement new voting systems for the 2009 Primary Election in September. The Executive Director stated that for this Board, the Primary and General Elections are one integrated cycle and it is impossible to train poll workers for two different voting systems.

The General Counsel reported that as set forth in SBOE status report the vendors are required to send their final software and hardware to SysTest by April 30, 2009. Mr. Richman stated that the implementation process is moving forward, but at a very slow pace.

Commissioner Schacher requested that Executive Management send a new 2009 brief to the State Board and the Department of Justice. President Umane suggested that any letter should include a revised 2009 timeline.

Commissioner Sipp inquired if the State Board has begun to negotiate with the Department of Justice. The General Counsel stated the

State Board is required to submit their proposal to the U.S. Department of Justice by April 10, 2009.

The Finance Officer provided the Commissioners with the Vacancy Report dated March 31, 2009.

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

Following the Executive Session, the open public session resumed and President Umare reported that in Executive Session, the Commissioners took the following personnel actions:

- I. Unanimously approved the succession plan for the Language Assistance Coordinator, submitted by Secretary Dent which precedes that:
  - A) Effective April 5, 2009 the hiring of Rachel Knipel as a temporary clerk in the BOE Executive Office, effective through May 31, 2009;
  - B) The appointment of Ms. Knipel as Associate Staff Analyst and LAP Coordinator, effective June 1, 2009 (Michael

Sternlieb's retirement date);

- C) Authorization to retain Mr. Sternlieb in the title of Trainer's Assistant for the 2009 Election Cycle, effective upon his retirement. Mr. Sternlieb clearly qualifies for this position, with his knowledge and expertise in LAP and related matters.

II. In the Bronx Office, as a consequence of Anthony Ribustello's leave of absence without pay (March 17, 2009 – May 1, 2009), the Board unanimously authorized the temporary positions of:

- A) Frank Tosi, Administrative Associate in the Bronx Office, to fill Anthony Ribustello's position, Administrative Associate, and be paid at his salary rate during the period: March 17, 2009 through May 1, 2009;
- B) Elizabeth English, Administrative Assistant in the Bronx Office, to fill Frank Tosi's position, Administrative Associate, and be paid at his salary rate during the period: March 17, 2009 through May 1, 2009.

Commissioners Schacher moved to authorize the use of a voting machine by CSEA Local 646 on May 15, 2009 from 6am - 6pm. Local 646

will bear any or all costs. President Umane restated the Board's standing policy on the use of voting machines. If it is too close to an election, a request to use a voting machine will not be considered because the Board needs the machines and/or they get "beat up" during transportation. Also, BOE staff has to set up the voting machine. Commissioner Dent seconded the motion, which was adopted unanimously.

Following additional discussion, Commissioner Schacher moved to reconsider and rescind her prior motion. Commissioner Dent seconded the motion, which was adopted unanimously.

President Umane moved to adjourn the meeting. Commissioner Sampel seconded, which was adopted unanimously.

The next Commissioners' meeting is scheduled for Tuesday, April 7, 2009 at 1:30 PM.