

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, JUNE 2, 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, 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  
Dorothy Delayo, Director, Personnel  
Nicholas Zimmitti, Associate Staff Analyst, EDO – President of Local 1183  
Joseph LaRocca, Coordinator, Candidate Records Unit  
Steven B. Denkberg, Counsel to the Commissioners

GUEST:     Andrea Senteno, Citizen's Union  
              Mary Lou Urban, LWVNYC  
              Teresa Hommel, Community Church of New York  
              Stewart Armstrong, Voter Assistance Commission  
              Jim Robbins, New Yorkers for Verified Voting

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President Umane called the meeting to order at 1:30 P.M.

Commissioner Schacher requested to discuss the subject of Brooklyn  
poll worker training sites before Executive Session.

Commissioner Polanco requested to discuss personnel matters in Executive Session.

Commissioner Sampel requested a change in the draft minutes of May 26, 2009 concerning Executive Session on Page 10 - "Unanimously approved the promotion of William Cardona, Temporary Clerk in the Executive Office, to a permanent title of Computer Operator at an annual pay rate of \$43,680 effective Sunday, May 24, 2009." President Umane made a motion to table the draft minutes of May 12, 2009 and May 26, 2009. Commissioner Sampel seconded the motion, which was adopted unanimously.

The Executive Director reported that there are Special Elections for the 77<sup>th</sup> and 85<sup>th</sup> Assembly Districts in the Bronx today. He reported that reports from the field indicate that things are quiet and that the election is operating smoothly.

The Executive Director presented the HAVA update. He reported that at a recent project meeting the issue of upgrading the firmware and software for the existing Ballot Marking Devices (BMDs) came up. Mr. Cederqvist explained that the Board staff worked very closely with the

vendor last year to address numerous problems with the BMDs before the 2008 Primary and General elections. However, there were some problems that were not discovered until Election Day, such as the long boot-up time for the BMDs, which took approximately 30 minutes to boot-up. The vendor has indicated that it has addressed this and other issues in the new versions of the firmware and software that are being tested for certification by the State Board. Mr. Cederqvist reported that the State Board recently approved the optical scanners and BMDS for voting systems to be used in their proposed Pilot Program and that the NYC BOE could benefit from using the recently approved versions for the BMDs in the 2009 elections. During a conference call with the State Board late last week, Mr. Cederqvist asked whether the State Board would allow local boards to upgrade their BMDs using the new approved software and firmware. The State Board replied that they will inquire at their next Commissioners' Meeting on June 15, 2009. President Umame suggested that the Executive Director write a formal request letter to the State Board. The Executive Director will circulate a draft copy of the letter to the Commissioners for review.

The General Counsel requested approval on the dates for the Commissioners' Hearings on the Designating and OTB Petitions for the

September 15, 2009 Primary Election. President Umane made a motion to set the hearings on the Designating Petitions for August 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> 2009 at 10:00 A.M., and the hearings for OTB Petitions on August 11, 2009 at 1:30 P.M. Commissioner Schacher seconded the motion, which was adopted unanimously.

The General Counsel reported on temporary additional staff for the Office of the General Counsel during Fiscal Year 2010 for the 2009 Primary (including potential Run-Off Primary), General Elections and related matters. Mr. Richman explained that he contacted seven (7) temporary legal staffing agencies and asked them to submit proposals; five (5) agencies have responded. The General Counsel recommended using the Staffing Ease agency that provided the Board with temporary attorneys for the previous three years, but if it is unable to perform, he recommends the Premier Group as the back-up choice. Mr. Richman requested authorization for the Board staff to proceed. Commissioner Schacher moved to authorize the General Counsel's request. Commissioner Sampel seconded the motion. The motion was adopted with Commissioner Polanco abstaining.

The Finance Officer provided the Commissioners with the

Comparative Expenditures dated June 2, 2009.

The Finance Officer provided the Commissioners with the FY10 PS Spending Plan. President Umane inquired if it included the raises that are negotiated in the contract. Mr. Ward stated that the contract expired on June 8, 2008.

The President of Local 1183 reported that he spoke with the Office of Labor Relations in which the union asked to extend the economic package which was already offered to other unions throughout New York City to Board employees. OLR has not responded to the union to date. Mr. Zimmitti reported that the Deputy Commissioner of OLR explained that Mayor Bloomberg is saying no to about a dozen municipal unions who have not settled yet. President Umane stated that the Mayor has to bargain, but does not have to agree to give the union members any salary increase. Mr. Zimmitti reported that the Municipal Labor Committee is considering suing Mayor Bloomberg for not bargaining in good faith.

Commissioner Polanco inquired how much funds the Board presently has. Mr. Ward stated that he will give him the exact figure before the Commissioners' Meeting ends.

Commissioner Schacher made a motion to utilize the American Legion Post in Brooklyn as a poll worker training site. The site would cost \$25 dollars extra per day due to the increased cost of utilities. It would cost \$1,150 for five (5) days instead of \$1,025. Commissioner Schacher reported that the site can train 2,000 poll workers, it is handicapped accessible, and has air conditioning. Commissioner Polanco seconded the motion. The motion was adopted with Commissioner Soumas opposed, and President Umane abstaining.

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

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

- I. Unanimously approved the termination of Miriam Suarez, Administrative Assistant in the Bronx Office, effective at the close of business today.
- II. Unanimously approved to schedule Sensitivity Training for all Board employees upon receipt of adequate funding.

Commissioner Polanco moved to adjourn the meeting. Commissioner Sampel seconded the motion, which was adopted unanimously.

The next Commissioners' meeting is scheduled for Tuesday, June 9, 2009 at 1:30 PM.