

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, JUNE 9, 2009
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR HEARING ROOM
NEW YORK, NY 10004

P R E S E N T: President Frederic Umane
 Secretary Julie Dent

Commissioners Araujo, Polanco, Sampel, Schacher, Silie, Sipp, 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
John O'Grady, Chief, Voting Machine Technician
Thomas Sattie, Associate Staff Analyst, Candidate Records Unit
Beth Fossella, Coordinator, Voter Registration
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Erika Winkler, Election Protection
 Rima McCoy, CIDNY
 Andrea Senteno, Citizen's Union
 Rebecca Moses, Citizen's Union
 Teresa Hommel, Community Church of New York
 Stewart Armstrong, Voter Assistance Commission
 Marjorie Shea, Women's City Club

President Umane called the meeting to order at 1:36 P.M.

President Umane has been requested to discuss personnel matters

concerning the Executive Office and all borough offices in Executive Session.

President Umane has been requested to conduct a Finance Committee meeting after the Commissioners' Meeting to review contractual matters.

Commissioner Schacher requested to discuss personnel matters in public session.

Commissioner Araujo requested a change in the draft minutes of May 19, 2009 concerning Executive Session on Page 9, Action III. – “Unanimously adopted the following statement: “The specifications of objections shall be prepared using ink.”, providing the interpretation of Rule H1 of the Board's 2009 Designating and Opportunity to Ballot Petition Rules, and directed it be included in the Calendar and Rules booklet distributed by the Board and posted on the Board's website.” Secretary Dent made a motion to adopt the minutes of May 12, 2009. President Umane seconded the motion, which was adopted unanimously. President Umane made a motion to table the draft minutes of May 12, 2009, May 26, 2009 and June 2, 2009. Commissioner Polanco seconded the motion,

which was adopted unanimously.

Commissioner Schacher acknowledged that Secretary Dent was honored as the “New York State 2009 Woman of Distinction” by Senator Martin Dilan in Albany, NY last week. Commissioner Schacher praised that the Board has an exciting and wonderful woman on their team.

The Executive Director presented the HAVA update. He reported that Judge Sharpe approved the proposed New York State Pilot Program. The City Board will not be compelled to participate in the program.

The Executive Director summarized last week’s report on the BMD vendor’s updated firmware and software. As directed by the Commissioners, he prepared a draft letter addressed to the State Board requesting the use of the updated BMD firmware and software for the upcoming elections and mailed the letter (a copy is in this week’s agenda packet). Mr. Cederqvist e-mailed the draft letter last week to the Commissioners for review.

The Executive Director reported that the HAVA Task Force has finalized its amended State Implementation Plan. The State Board’s HAVA

Amended State Implementation Plan is in the agenda.

The Executive Director reported that the Executive Budget includes additional funding for the Gartner, Inc. consultants beginning on July 1, 2009. Although the contract runs through 2010, the City last year only provided funding for one year. He reported that the Board fulfilled its promise to manage the contract frugally and was able to extend the use of this funding for a full eighteen (18) months. Mr. Cederqvist stated that the Board is waiting for the \$8 million in capital funding contained in the FY2010 Executive Budget to be adopted by the City Council. In anticipation of adoption, the Executive Director stated that he will contact DoITT and OMB to begin the process of securing access to these funds for July 1, 2009.

The Executive Director reported that the Korean and Chinese Language Assistance Advisory Group public meeting is scheduled for Monday, June 15, 2009 at 10:00 A.M. in the Commissioners' hearing room. Mr. Cederqvist stated that the Director of Communications and Public Affairs will issue a press release in an effort to increase awareness and elevate participation at the meeting.

The Executive Director requested that the Finance Committee meet next Tuesday before the Commissioners' Meeting. The Finance Committee will meet June 16, 2009 at 1:00 P.M.

The Executive Director requested direction from the Commissioners on the lunch reimbursement policy for working meetings. He explained that sometimes the Board has all day meetings in which the staff works through the lunch hour. Under the Comptrollers Directive #6 the Board is allowed to provide lunch for Board attendees at such meetings for up to \$8.00 per person. Mr. Cederqvist requested direction from the Commissioners on whether they would continue to allow this. Commissioner Polanco suggested that Executive Management make the determination for the staff. Commissioner Silie and Polanco feel it is appropriate for the borough Chiefs to order food in the office and receive reimbursement. Commissioner Polanco encouraged allowing the Deputy Chiefs to be reimbursed. The Executive Director stated that such meetings are infrequent. Commissioner Schacher made a motion to authorize Executive Management to authorize and to determine when it would be appropriate and permit meals during working lunches or dinners pursuant to the Comptrollers Directive #6. Commissioner Araujo seconded the motion. Commissioner Silie offered an amendment which includes covering the

reimbursement for \$100 advanced for last Thursday's Chiefs' meeting in the Bronx Office. The motion was adopted unanimously.

The Chief Voting Machine Technician reported on the grant programs for Poll Site Accessibility. Mr. O'Grady distributed Poll Site Accessibility grant program work sheets to the Commissioners. He reported that there are two (2) grant programs. One grant is to make permanent fixes to the poll sites to make them wheelchair accessible and ADA compliant. The second grant is temporary fixes to the poll sites. In 2008, the Commissioners approved and allocated the grant program for handicap directional signs, mats and doorbells which are temporary installed on Election Day. Mr. O'Grady reported that there is \$600,000 left in the grant program from last year. He requested authorization to purchase temporary handicap accessible ramps, threshold ramps, suitcase ramps, platforms, handrails, and cones. The items will not be used for any specific poll site. During the course of the year, many poll sites change and at last minute the Board cannot find handicap accessible sites. The equipment will be used to make the temporary sites handicapped accessible. Mr. O'Grady stated that the estimated cost will be \$251,184. President Umame inquired if Mr. O'Grady researched the different ramps and recommended he order more long ramps rather than short ramps. Commissioner Sipp inquired

why the Board should purchase eighty (80) new ramps. The General Counsel stated it is a contingency plan for last minute poll site changes. It will give the Board a ready supply and flexibility of unforeseen circumstances. Secretary Dent inquired if the ramps are feasible for the handicap. Mr. O'Grady stated that the ramps are certified ADA compliant with a 700 lbs. capacity. Secretary Dent inquired where the ramps will be stored. Mr. O'Grady stated that two (2) ramps will be stored in each borough office. He explained that every Thursday he has a Poll Site Accessibility meeting discussing this topic with staff from the 5 borough offices. Commissioner Stupp inquired if there is a preference to get poll sites that are already ADA compliant. Mr. O'Grady replied that it is top priority. President Umame inquired what the cones would be used for. Mr. O'Grady explained they are for guidance for the visually impaired. For an example, the cones would be placed around a protruding water fountain. Mr. O'Grady reported that all equipment would be labeled "Board of Elections" and have a serial number to easily identify.

President Umame opened the floor for brief comments from Rima McCoy, a member of the public, representing CIDNY.

President Umame explained that John O'Grady's proposal would not

be a contract; it is a purchase order where the Board will accept bids from the lowest and responsive bidder. Secretary Dent moved to authorize the Chief Voting Machine Technician to proceed with the grant program with the necessary corrections President Umame suggested. Commissioner Sampel seconded the motion, which was adopted unanimously.

The Chief Voting Technician and Finance Officer reported on the Memorandum of Understanding (MOU). Mr. Ward explained that there is a \$1.7 million NYS Voting Access Improvement grant effective until March 31, 2010. The grant is for permanent poll site improvements which would be coordinated with the NYC Department of Education public schools. The majority of poll sites are located within public schools. The permanent improvements would include widening doorways, constructing permanent wheelchair ramps, and other permanent improvements which are needed for handicapped accessibility voting. President Umame inquired if the grant qualifies the Board to spend the money at another City agency. Mr. Ward reported that the grant is being administered by the State Board and they approved the plan. The Executive Director stated that the HAVA Grant workstream has been working on this plan. Secretary Dent inquired if the plan is only for public schools. Mr. Ward stated that the grant is government money and public schools are the majority of poll sites.

Commissioner Araujo inquired how the public schools would be determined for the permanent fixtures. Mr. Ward stated that the public schools are determined by the need for permanent improvements. Commissioner Sipp inquired how the Board determines which poll sites need the improvements. The Chief Voting Technician explained that the Poll Site Readiness group surveys the poll sites. There are seventy-seven (77) public schools that need permanent improvements. The newer schools are already built to be ADA compliant. President Umane suggested that Mr. O'Grady evaluate the poll sites with the Poll Site Readiness group and then present the recommendations to the Commissioners for review. Commissioner Schacher suggested that Mr. O'Grady personally go to the poll sites and survey with his Poll Site Readiness group. Secretary Dent requested the list of the recommended seventy-seven (77) public schools that need permanent improvements. Commissioner Sipp requested for Mr. O'Grady to include the list of public schools that have not been chosen. Mr. O'Grady requested approval. Secretary Dent made a motion to make an application to the State Board to use the \$1.7 million NYS Voting Access Improvement grant for use on the NYC Department of Education public schools that are determined to be non ADA compliant, and direct the City Board or State Board to work out a MOU with NYC Department of Education's Division of School Facilities and use \$1.7 million to accomplish

all seventy-seven (77) public schools. If the DOE cannot make the permanent improvements on all of the seventy-seven (77) public schools, then the Poll Site Readiness group will make a recommendation to the full Board determining what schools should be used for the NYS Voting Access Improvement grant. The General Counsel reported that DOE would manage the construction work. President Umame suggested that the permanent improvements would not only be good for Election Day, but for every other day of the year. Commissioner Polanco recommended that the Poll Site Readiness surveys be updated since the poll sites were surveyed in 2006. Commissioner Araujo inquired if the Chief Voting Machine Technician would do a post-check of the poll sites that had construction. Mr. O'Grady replied yes. Commissioner Polanco requested to table the motion until the next Commissioners' Meeting.

President Umame thanked the Legal Department and the Reproduction Department for compiling and distributing the Calendar and Designating Petition Rules books. President Umame requested the smaller books for the Commissioners. The General Counsel stated that the smaller books are delivered from the State Board and should be received by July 1, 2009. Mr. Richman reported that the Board's front counter and borough offices have copies of the Calendar and Designating Petition

Rules books on sale for the public, and it is also posted on the Board's website.

The General Counsel requested approval on the draft letter to the State Board concerning their proposed changes to delete the bipartisan electronic signature requirements in the State Board rules. Mr. Richman e-mailed the draft letter to the Commissioners for review. The General Counsel discussed this proposed change with the Corporation Counsel. President Umame tabled the draft letter until the next Commissioners' Meeting. Commissioner Polanco seconded the motion, which was adopted unanimously.

Tom Sattie, Associate Staff Analyst in the CRU Unit, requested approval on the audio vendor contract. The audio vendor records all of the required ballot information on the Ballot Marking Devices (BMDs) for each election cycle. Mr. Sattie reported that the contract will expire on June 30, 2009 and requested approval to send the contract out for bid. He summarized that the audio vendor contract is considered a small purchase with bids expected below \$100,000. Mr. Sattie reported that the audio vendor was used in the 2007 and 2008 election cycles. The audio vendor records all of the candidates' names, parties, and instructions on the ballot

in all 4 required languages – English, Spanish, Chinese and Korean. Mr. Sattie explained that an outside vendor records this information because the Board does not have a recording studio or staff to perform this function. The audio vendor is professional and digitizes the recording with no white noise. Commissioner Polanco inquired how much the contract cost in 2008. Mr. Sattie replied that the winning bid was approximately \$55,000. Mr. Sattie explained that the audio vendor charges per name recorded. The Executive Director reported that the candidates are allowed to request to check the spelling and pronunciation of their name on the recording. Mr. Sattie explained that the Board is not obligated to pay the full bid, so it may be less; the Board pays for what it uses. President Umane moved to authorize Mr. Sattie to seek bids for the audio vendor contract. Commissioner Polanco seconded the motion, which was adopted unanimously.

The Finance Officer provided the Commissioners with the Vacancy Report dated June 9, 2009.

Commissioner Schacher made a motion to authorize 210 hours of sick leave for Angela Petit, Clerk in the Brooklyn Office. Secretary Dent seconded the motion, which was adopted unanimously.

Commissioner Schacher made a motion to authorize 210 hours of sick leave for Michelle Heitzner, Project Coordinator in the Executive Office. Secretary Dent seconded the motion, which was adopted unanimously.

Commissioner Polanco moved to convene an Executive Session to discuss personnel matters. Commissioner Araujo seconded the motion, which was adopted unanimously.

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. In a vote, eight (8) in favor (Araujo, Dent, Polanco, Sampel, Schacher, Silie, Sipp, Stupp) and one (1) opposed (Umane) to approve the allocation for forty-four (44) temporary employees for the five (5) borough offices effective July 1, 2009.
- II. Unanimously approved the allocation for thirty (30) temporary employees for the Phone Bank in the Executive Office effective July 1, 2009.

Commissioner Stupp moved to adjourn the meeting. Commissioner Silie seconded the motion, which was adopted unanimously.

The Finance Committee is scheduled to meet on Tuesday, June 16, 2009 at 1:00 P.M.

The next Commissioners' meeting is scheduled for Tuesday, June 16, 2009 at 1:30 P.M.