

MEETING OF THE BOARD OF CANVASSERS
FOR THE JUNE 2, 2009 SPECIAL ELECTIONS
IN THE 77TH AND 87TH ASSEMBLY DISTRICTS
IN THE BOROUGH OF THE BRONX
HELD ON TUESDAY, JUNE 16, 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, 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
John O'Grady, Chief, Voting Machine Technician
Valerie Vazquez-Rivera, Director, Communications & Public Affairs
Daniel Lavelle, Supervisor, Phone Bank
Dawn Sandow, Deputy Chief Clerk, Bronx Office
B.J. Rivera, Administrative Associate, Bronx Office
Anthony Ribustello, Administrative Associate, Bronx Office
Steven B. Denkberg, Counsel to the Commissioners
Charles S. Webb, III, Counsel to the Commissioners

GUEST: 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
 Stephen Narloch, Operations
 Marjorie Shea, Women's City Club
 Mary Lou Urban, LWVNYC

Alex Kane, Gotham Gazette
Alan Flacks, New York County Democratic Committee
Erika Winkler, Election Protection

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

President Umane acknowledged that Joseph LaRocca, Coordinator of the Candidate Records Unit, is retiring this week. He stated that Mr. LaRocca has worked at the Board as a dedicated employee for over 30 years and he will be greatly missed. The Commissioners wished him the best of luck with his retirement.

President Umane recognized that former Supreme Court Justice Gary passed away this weekend. Judge Gary formally was the Law Chair for the Brooklyn Democratic Party. He was a renowned jurist, election lawyer, and was a crafty advocate. President Umane stated that Judge Gary will be greatly missed among those in the legal circles of politics.

President Umane requested to discuss personnel matters for Manhattan in Executive Session. Commissioner Schacher requested to discuss personnel matters for Brooklyn in public session.

President Umane convened the meeting of the Board of Canvassers in the City of New York.

President Umane called upon the Deputy Chief Clerks for the Bronx who presented the Statement and Return of Canvass for Bronx County from the June 2, 2009 Special Election in the 77th and 87th Assembly Districts for certification. B.J. Rivera, Administrative Associate, represented for Anna Torres, Deputy Chief Clerk, who could not attend the meeting.

Commissioner Polanco made a motion to accept and certify the Statement and Return of Canvass for the President of the Borough of the Bronx contest in Bronx County. Commissioner Silie seconded the motion, which was adopted unanimously.

President Umane made a motion to authorize the clerks to use the Commissioners' signature stamps on the reports of canvass. Commissioner Polanco seconded the motion, which was adopted unanimously.

President Umane made a motion to elect a Commissioner to act as the Secretary in Secretary Dent's absence. Commissioner Sampel

volunteered to act for Secretary Dent.

President Umane convened the regular Commissioners' meeting.

Commissioner Schacher made a motion to table the draft minutes of May 15, 2009, May 26, 2009, June 2, 2009 and June 9, 2009. Commissioner Araujo seconded the motion, which was adopted unanimously.

The Executive Director presented the HAVA update. He summarized his discussion at the previous meeting regarding the Board's request to use the approved updated firmware and software for the Ballot Marking Devices (BMDs) in the 2009 elections. As requested by the Commissioners, he sent a letter to the State Board requesting to use the approved updated software and firmware in the upcoming elections. Mr. Cederqvist said that he received a report that the State Board will discuss the Board's request at their future Commissioners' meeting to be scheduled.

The Executive Director reminded all in attendance that last week he discussed that Judge Sharpe approved the State Board's Pilot Program. He noted that the State Board Pilot Program's proposal which was included

in last week's agenda packet stated that the State Board anticipated completing final certification of the new voting systems by December 15, 2009. Mr. Cederqvist reported that it was the first time anyone at the NYCBOE had seen this late date associated with the certification and that it has raised concern among the Board staff. Mr. Cederqvist noted that he thought it might be helpful to make a presentation for the Commissioners about the status of the new system implementation project in the future to offer report on the generic work that the staff is performing in anticipation of certification.

The Executive Director reported that the Korean and Chinese Language Assistance Advisory Group public meeting was held yesterday, June 15, 2009 at 10:00 A.M., in the Commissioners' hearing room. Mr. Cederqvist reported that the Board is required to hold the LAP meetings twice a year - one time before the election and one time after the election. He reported that it was a well attended meeting and that there were numerous excellent questions by the attendees. Mr. Cederqvist reported that Rachel Knipel, the new LAP Coordinator, did a great job conducting the meeting and it was very productive.

The Executive Director reported that he had a meeting with the

technical staff yesterday regarding the Board's website. One particular item that was discussed was posting "real time" candidate lists on the website. Myriad issues are involved because the website is hosted by DoITT, but administered by the Board. Mr. Cederqvist requested a Commissioners' MIS Committee meeting with MIS staff so they can do a presentation of what it would entail. President Umame wished to wait for Secretary Dent in order to set a date.

The Coordinator of Election Day Operations distributed the 2009 Poll Worker Training plan. Ms. Rahmouni reported that it is the same approved version as 2008, but with an addition on pages 31 – 36. She reported that this year there is a different approach training the poll workers on the BMDs. Instructions will include opening, closing, clearing a paper jam, and assisting the voter use disability devices on the BMDs. Ms. Rahmouni reported that the EDO unit is producing an in-house video instructing the Adjunct Trainers and Assistant Trainers on how to teach poll workers to operate the BMD. When the video is complete, she will play it for the Commissioners' approval. Ms. Rahmouni reported that she would like to produce approximately 600 DVDs for the Adjunct Trainers, Assistant Trainers and Coordinators. If the DVDs cannot be made in-house, the EDO Unit will check into the cost of an outside source and will bring the

information to the Commissioners at a later date. Commissioner Schacher inquired how effective the DVDs would be for the Trainers. Ms. Rahmouni stated that she feels it will be very effective with the new approach. President Umane inquired how long the training course is. Ms. Rahmouni stated it is a 4 hour training course. Commissioner Stupp reported that both she and Commissioner Araujo had the opportunity to sit in on a BMD training class last week. Commissioner Stupp reported that the class had a terrific instructor and it was a great training class. Commissioner Araujo inquired if the trainers will keep the DVDs or return them to the Board. Ms. Rahmouni reported that the trainers would keep the DVD because the voting system will be changing next year. The Commissioners raised concerns about the reoccurring costs each year for the DVDs. Commissioner Stupp suggested that the Coordinators bring back the DVD when they have the debriefing. Ms. Rahmouni recommended that the trainers keep the DVD so they can keep reviewing it while they give the training classes. Some Commissioners suggested that the trainers bring back the DVD in order to get paid. Ms. Rahmouni will check the cost of the DVDs by next week for the Commissioners.

The Chief Voting Technician and Finance Officer reported on the discussion at last week's meeting regarding the \$1.7 million MOU grant for

temporary and permanent fixtures at poll sites. Mr. O'Grady distributed the MOU grant plan to the Commissioners. Mr. Ward reported that they contacted the Department of Education to help them identify the public schools that need permanent construction. Mr. Ward requested approval on the draft MOU to send to the Department of Education so they can begin pricing the construction jobs. Commissioner Silie inquired if Mr. O'Grady spoke with the Chief and Deputy Chief Clerks in each borough office regarding the possible options on which public schools should be used. Commissioner Silie reported that both she and Commissioner Polanco spoke with their Bronx Deputy Chief Clerks, and to their knowledge they did not have a discussion or input on what public schools should be used for the grant. Commissioner Silie stated that the Chief and Deputy Chief Clerks should have the initial input. Mr. O'Grady stated that he discussed this topic with the Poll Site Readiness workstream which has representatives from each borough office. He will resubmit the draft list of poll sites to the workstream as well as the Chief and Deputy Chief Clerks. Commissioner Silie stated that the borough offices should be more included in decisions like this one. Commissioner Sipp inquired which Board department the draft poll site list came from. Mr. Ward reported that the Poll Site Surveyors in the Executive Office prepared the list. Commissioner Sipp questioned why Staten Island only has two (2) public

school poll sites on the draft list. Commissioner Polanco stated that Staten Island had an increase of population since 2006 and questioned the two (2) poll sites as well. Commissioner Polanco requested to table the request to ensure that the Chief and Deputy Chief Clerks review the draft list. Commissioner Polanco inquired who will be solely responsible for the finances of this construction project. The General Counsel reported that the Division of School Facilities – either Board of Education or Department of Education. Mr. Ward successfully negotiated with OMB to provide a first instance of appropriation that will be put in the Board's budget with the amount of \$1.7 million dollars. The money will be transferred to the Board of Education, or Department of Education, so they can do the actual construction work. Once the construction is complete the BOE, or DOE, will submit the certified results and the Board will review it and submit to the State Board for reimbursement. When the Board receives the funds it will be transferred back into the City's general fund. President Umame stated that the poll site list may be reduced from 2006. He suggested that the draft list be reviewed at the Chief and Deputy Chief Clerks meeting on Thursday. Commissioner Polanco requested the Counsels to review the draft list as well. Commissioner Sipp moved to table the draft MOU plan until next week's meeting. Commissioner Polanco seconded the motion, which was adopted unanimously.

The General Counsel introduced the two (2) law school student summer interns that started at the Board yesterday. Giacomo Kmet is from New York Law School, and Joel Bermejo is from Brooklyn Law School. The General Counsel thanked both their respective schools for the funding.

The General Counsel reported on the tabled draft letter to the State Board regarding the change in voter registration procedures. The State Board formally proposed the Amendment to its rules on June 10, 2009. The Board has until July 27, 2009 for comments. Mr. Richman requested approval to send the letter to the State Board. Commissioner Araujo made a motion for Mr. Richman to send the letter to the State Board. Commissioner Soumas seconded the motion, which was adopted unanimously.

The Director of Communications and Public Affairs reported on the new voting system public information campaign update. Daniel Lavelle, Phone Bank Supervisor, distributed copies of a memo regarding the campaign to the Commissioners. Burson Marsteller is the public relations firm that will assist the Board in conducting a public information campaign that targets all voters in all boroughs to inform and educate them on the new poll site voting systems. The campaign objective is to introduce and

announce the new system throughout the City of New York, give the public a clear understanding how to use the voting system and inspire voter confidence. Ms. Vazquez-Rivera requested approval from the Commissioners to work on the generic public education tasks that Burson Marsteller can begin on June 2009 throughout December 2009 prior to the new voting system. President Umane suggested that the Board move ahead with this plan, but advise Burson Marsteller to steer away from focus groups. President Umane and the Commissioners approved the generic public education tasks that Burson Marsteller can begin on June 2009 throughout December 2009 prior to the new voting system.

The Director of Personnel requested approval on the exit procedures for departing employees. Ms. Delayo e-mailed the Commissioners a copy of the exit procedures yesterday and distributed hard copies today. The procedures formalizes that each departing employee must return all Board equipment - I.D. badge, access cards, cell phones, keys - before they receive their final paycheck. Commissioner Araujo requested for Ms. Delayo to include Board gas cards, credit cards, parking permits and E-Z Passes in the procedures. The supervisors will have to generate a list and monitor all equipment that the employees receive and return. President Umane inquired if cell phones are monitored. Ms. Delayo replied yes.

Commissioner Soumas inquired about the criteria a Board employee needs to obtain a badge. Ms. Delayo will find out the criteria. Joe LaRocca, Coordinator of the Candidate Records Unit, reported that Commissioners, Counsels, Executive Management, and Department heads receive badges. The head of the department will request a badge and the request will get approved or denied by the Administrative Manager. President Umame moved to authorize the exit procedures, as amended to include Commissioner Araujo's suggestions. Commissioner Sampel seconded the motion, which was adopted unanimously.

The Finance Officer provided the Commissioners with the Comparative Expenditures dated June 16, 2009.

The Finance Officer reported that the Office of Payroll Administration (OPA) stated that employees with direct deposits will no longer receive paper pay stubs. OPA is phasing out the direct deposit paper pay stubs citywide. This plan will begin in July 2009. Employees can access their pay stubs through the internet.

President Umame acknowledged that Secretary Dent joined the meeting.

Commissioner Sampel requested a Democratic caucus before Executive Session.

Commissioner Silie acknowledged that today is Commissioner Polanco's birthday.

Commissioner Schacher made a motion to authorize 210 hours of sick leave for Norman Lindros, Administrative Associate, in the Executive Office effective immediately. Secretary Dent seconded the motion, which was adopted unanimously.

President Umame opened the floor for brief comments from Alan Flacks, a member of the public.

The Commissioners convened a Democratic caucus.

The Commissioners convened an Executive Session to discuss litigation and personnel matters

Following the Executive Session, the open public session resumed and President Umame reported that in Executive Session, the

Commissioners took the following personnel and litigation actions:

- I. Unanimously adopted a Finance Committee recommendation that purchases off DCAS or OGS requirement contracts may be made or authorized by Executive Management without further review by the Commissioners' Finance Committee.
- II. President Umane made a motion to authorize the Board to make arrangements with DCAS for the provision of a course of instruction in presentation skills, and reading and training techniques for staff members in the Election Day Operations Training Unit and Public Outreach Unit, as a HAVA educational training grant eligible expenditure not to exceed approximately \$8,800. Commissioner Soumas seconded the motion, which was adopted unanimously.
- III. Unanimously approved as a result of two (2) employee hearings, Ishmael Cleare, Voting Machine Technician in the Manhattan VMF, and Alan Chin, Voting Machine Technician in the Manhattan VMF, were both given six (6) months probation, effective immediately.

President Umane announced that the Finance Committee meeting will meet after today's meeting.

President Umane adjourned the meeting.

The next Commissioners' meeting is scheduled for Tuesday, June 23, 2009 at 1:30 P.M.