

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, OCTOBER 20, 2009
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR COMMISSIONERS' ROOM
NEW YORK, NY 10004

PRESENT: President Frederic Umane
 Secretary Julie Dent

Commissioners Araujo, 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
John O'Grady, Chief, Voting Machine Technician
Daniel Lavelle, Supervisor, Phone Bank
Valerie Vazquez-Rivera, Communications and Public Affairs
Katherine James, Deputy Chief Clerk, Queens Borough Office
Robert Pataky, Administrative Associate, Queens Borough Office
Christopher Manos, Temporary Attorney, Office of the General Counsel
Charles S. Webb, III, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Chyann Sapp, Voter Assistance Commission
 Marjorie Shea, Women's City Club
 Teresa Hommel, Community Church of New York
 Rima McCoy, CIDNY
 Andrea Senteno, CUF
 Alan Flacks, Member of NY Democratic County Committee
 Mary Lou Urban, LWVNYC
 Adrienne Kivelson, LWVNYC
 Jerry Koening
 Mark B. Herman
 Jose Adames

President Umane called the meeting to order at 1:35 P.M.

President Umane moved to table the minutes of September 22, 2009, October 16, 2009, and October 16, 2009 – Finance Committee. The motion was adopted unanimously.

Commissioner Schacher requested to add a Brooklyn personnel matter in public session.

The Executive Director reported that a copy of the letter addressed to the Office of Management and Budget requesting additional funding for the November 3, 2009 General Election is in the agenda. The letter was sent per the Commissioners' direction from the previous meeting.

The Executive Director presented the HAVA report. He reported that a copy of the New York State Voting Systems Primary Election Pilot Report is in the agenda. The main concerns that the State Board and Election Commissioners Association (ECA) had were voter privacy and BMD boot up time. Mr. Cederqvist reported that last week the Board staff held a mock election to study voter flow and how to monitor privacy concerns with poll workers. There were two (2) separate mock elections for the two (2)

different voting systems. The staff gained helpful information out of the exercise and will submit a summary report at a later date. Mr. Cederqvist reported that the Chief Voting Machine Technician and an EVS technician photocopied a ballot and ran it through both scanners. The scanners accepted and scanned the ballot. This raised major security concerns. Commissioner Sipp inquired how many copies were made and scanned. The Chief Voting Machine Technician stated they copied and scanned ballots four (4) times and each time it counted the ballot. Secretary Dent inquired what the Board can do to ensure that does not happen on Election Day. Mr. Cederqvist replied that he assumes that the State Board is testing for this, but it is the first time he heard about this security concern. The General Counsel stated that the staff was trying to test various scenarios of what some voters could fraudulently do on Election Day. Mr. Richman stated that the extra ballots were discovered in the recanvass process because there were more votes than the people who signed in. Commissioner Sipp inquired if special printing paper will be used for the ballots. Mr. Cederqvist replied yes, but a regular photocopy scanned and accepted the fraudulent ballots. President Umane stated that the Board needs to send a letter or email to the State Board advising them of this potential problem. The letter should be copied to the Department of Justice. Commissioner Stupp inquired if this has happened in the NYS

HAVA Pilot Program. Mr. Richman reported that in Erie County, there was a margin of two (2) vote differences for a candidate. In the recanvass, five (5) ballots were scanned by the voting machine, but only two (2) voters signed in the poll list book. The matter is now before Supreme Court. Erie County has not certified a winner to this date. Commissioner Sipp raised concerns that the Board has invested a lot of money into the voting machines equipped with super technology so no one can hack the system, but a photocopied ballot can be scanned in multiple times by any voter. Secretary Dent stated that this concern is very important and has to be made aware to the public as well as the State Board. Commissioner Soumas suggested that a copy of the letter to the State Board should be posted to the Board's website. The Deputy Executive Director stated that when the Board first implemented the current scanning system for the absentee ballots, they took the possibility of people fraudulently photocopying the ballots into consideration. One of the actions they did to prevent this was printing the ballots on slightly larger and thicker printing paper than regular paper. The current optical scanning system will not recognize and count photocopied ballots. Commissioner Araujo inquired if the Board has to pay extra for the special paper and additional security. Mr. Gonzalez replied yes.

President Umane opened the floor for brief comments from Jerome Koenig, a member of the public.

President Umane opened the floor for brief comments from Teresa Hommel, a member of the public.

The Coordinator of Election Day Operations requested approval of the Poll Worker Exception Reports for the Bronx, Brooklyn, Queens and Staten Island. Ms. Rahmouni distributed the reports to the Commissioners. She reported that the Manhattan Borough Office is still data entering into the system. President Umane stated that he and Commissioner Soumas have reviewed the Manhattan Poll Worker Exception Report and would like to approve it today. The Manhattan data was recorded, but it was not in the format the other boroughs submitted. President Umane asked the Commissioners if there was a radical increase in their numbers from the Primary Poll Worker Exception Report. All borough numbers remain the same. Commissioner Araujo moved to accept the Poll Worker Exception Reports for the Bronx, Brooklyn, Queens and Staten Island. Commissioner Stupp seconded the motion, which was adopted unanimously.

President Umane reported that there were three (3) changes in the

Manhattan Poll Worker Exception Report. Following are the changes: (1) Several additional Chinese Interpreters were added to the poll sites because they were shorthanded; (2) An Election District exceeded 2,500 voters so they agreed to add an extra voting machine to accommodate the voters. There will be more poll workers added to the poll site; (3) Last Friday they found out that a poll site was made unavailable, so they moved the poll site to the other side of the same building. They hired an extra door clerk to advise voters of the change. President Umane moved to approve the Manhattan Poll Worker Exception Report. Commissioner Soumas seconded the motion, which was adopted unanimously.

The Finance Officer reported on the Comparative Expenditures dated October 20, 2009, FY10 OTPS Detail Report and FY10 OTPS Projection. Mr. Ward stated that he emailed the Commissioners a tutorial on Personnel Service (PS) and Other Than Personnel Service (OTPS) budgets. He explained that the Board needs approximately \$20 million immediately to get through the elections. He spoke with staff from the Office of Management and Budget and there might be a November plan. Secretary Dent inquired how and who he can speak with at OMB to find out about the November plan. Mr. Ward stated that he can contact Bret Robinson, Assistant Director, at OMB. President Umane suggested that

the Board should send another letter to OMB attaching a copy of last week's letter. Secretary Dent inquired if the last letter addressed to OMB indicated that some funds are earmarked for the Board, for example, rent or HAVA monies. She stated that sometimes people do not understand fully how the Board operates. Mr. Cederqvist replied that the funds were detailed in the previous letter. The Commissioners agreed that the Executive Director should send another letter to OMB outlining the Board's funds. The letter should be copied to Emily Rubenstein – Mayor's Office of Operations, Michael Cardozo – Corporation Counsel, Anthony Crowell – Counselor to the Mayor, and the U.S. Department of Justice.

Commissioner Schacher reported a Brooklyn Borough Office personnel change. David Annarummo, Administrative Assistant, was appointed as an Administrative Associate, which replaces Matthew F.X. Smith's title. Mr. Smith worked in the Executive Office, but the title is retained as a Brooklyn line. Mr. Annarummo will work in the Brooklyn Borough Office.

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

President Umane opened the floor for brief comments from Jose Adames, a member of the public.

President Umane moved to convene an Executive Session to discuss personnel and litigation matters. Secretary Dent seconded the motion, which was adopted unanimously.

Following the Executive Session, the open public session resumed and President Umane reported that no action was taken in Executive Session.

President Umane adjourned the meeting.

The next stated meeting of the Commissioners is scheduled for Tuesday, October 27, 2009 at 1:30 P.M.