

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, DECEMBER 8, 2009
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR COMMISSIONERS' ROOM
NEW YORK, NY 10004

PRESENT: President Frederic Umane

Commissioners Araujo, Polanco, 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
Valerie Vazquez-Rivera, Director, Communications and Public Affairs
John O'Grady, Chief, Voting Machine Technician
Lucille Grimaldi, Manager, Electronic Voting Systems
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Marjorie Shea, Women's City Club
Rima McCoy, CIDNY
Adrienne Kivelson, LWV
Teresa Hommel, Community Church of New York
Jerome Koenig
Alan Flacks, Member of NY County Democratic Committee
Michael Linden, Special Projects Coordinator, Printelect
Tom Janysek, Voting Systems Sales Manager, Printelect
Nishtar Pazhoor, SVP, Naztec International Group
Sal Pazhoor, CEO & CTO, Naztec International Group
Todd Mullen, VP, Naztec International Group
Keith McGiniss, Director of Sales, Naztec International Group
Mike Sierra, Managing Director, Pakflatt,
Patrick McGonagle, Pakflatt

President Umane called the meeting to order at 1:40 P.M.

President Umame moved to table the minutes of November 17, 2009 and November 24, 2009. Commissioner Araujo seconded the motion, which was adopted unanimously.

The Secretary of Record distributed the draft minutes of December 1, 2009 to the Commissioners.

Commissioner Schacher requested to discuss Brooklyn personnel matters in public session.

The Executive Director presented the HAVA Update. There was a State Board conference call, but he could not listen in due to a meeting. Board staff listened in and reported that the State Board reiterated that all activities and progress are on schedule for the December 15, 2009 certification of new voting systems and devices. They anticipate that both systems will be certified.

The Executive Director reported that he is trying to finalize the schedule relating to the new voting system certification. He distributed a draft calendar for the borough demonstrations and public hearing to the Commissioners. The public hearing is tentatively scheduled for Tuesday,

December 29, 2009, the same day a regular Commissioners' meeting would be held. He suggested holding the Commissioners' meeting before the public hearing. Mr. Cederqvist requested approval of the draft schedule. President Umane moved to adopt the schedule and directed staff to notify the public that the Commissioners' meeting on December 29, 2009 will be moved to 5:30 P.M. and the public hearing is at 6:00 P.M. Commissioner Araujo seconded the motion, which was adopted unanimously.

Commissioner Stupp clarified that Queens and Staten Island will hold public demonstrations of the new voting system on the same day. Mr. Cederqvist stated that the schedule will be posted on the Board's website and letters will be mailed and emailed to good government groups, various organizations, elected officials, etc. immediately. President Umane stated that in the past, the Commissioners adopted rules for public hearings and he will enforce them. Commissioner Araujo suggested for the Board to request written testimonies ahead of time before the public hearing. Commissioner Polanco and President Umane agreed that is a great idea. Commissioner Sipp requested clarification of the limited comments at the hearing. President Umane stated that he will encourage the speakers to discuss the issue before the Board which is the choice of

the two (2) voting systems. Commissioner Schacher suggested and requested a full transcript of the speakers' comments. The General Counsel reported that a certified court reporter will be hired for the public hearing.

President Umare opened the floor for brief comments from Marjorie Shea, a member of the public.

The Executive Director requested approval to schedule the new voting system selection on Tuesday, January 5, 2010 and to post the report from the Evaluation Committee on the Board's website no later than December 31, 2009. Commissioner Polanco inquired what the State Board is taking into consideration as they determine what voting system to certify. Mr. Richman clarified that both voting systems have met the procurement requirements and passed their background checks, and now the systems are being evaluated by the 2005 Election Assistance Commission Voluntary Voting Systems Guidelines (VVSG) and State Board rules. The State Board's Evaluation Committee report will be distributed to the Commissioners before the decision making process, and the report will be posted to the Board's website for the public to view as well.

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

President Umane moved to schedule the Commissioners' meeting on January 5, 2010 to determine the new voting system selection and to post the analysis report on the Board's website as soon as possible, no later than December 31, 2009. He directed that the determining of the new voting system to be the first item listed on the January 5, 2010 Commissioners' agenda, which was requested by Secretary Dent. Commissioner Polanco seconded the motion, which was adopted unanimously.

Commissioner Polanco asked the Executive Director if City Hall staff has reported back to him about the revamping of the Board's website. Mr. Cederqvist replied that he did not hear from them on that issue yet. Commissioner Polanco suggested that the Board look into web casting future Commissioners' meetings. President Umane recommended that he speak with the Director of Communications and Public Affairs regarding web casting.

The Executive Director reported that on March 16, 2009 he received a letter from Sequoia to make the best and final offer. He brought the letter

to the Commissioners' attention and by their direction the Board replied to both vendors stating that the Board would entertain a best and final offer. The letter was dated March 30, 2009. In the letter, it stated that the Board will notify the vendors of the deadline for the submission of the best and final offer. Mr. Cederqvist requested authorization from the Commissioners to send the vendors a letter advising them of the deadline. He will circulate a draft to the Commissioners before he sends the final version. President Umame recommended the deadline for submission for December 28, 2009 by 12:00 P.M. President Umame moved for the Executive Director to send a letter to the vendors stating the deadline for submission for the best and final offer. The motion was adopted unanimously.

The Executive Director reported on the briefings with Senator Charles Schumer's staff which was held on December 3, 2009, and the New York City Council staff which was held on December 4, 2009 regarding the new voting system. He stated that both meetings were very productive.

The Executive Director reported on the LAP Advisory Group Meeting which was held yesterday. He stated that the Board had great input from the people who participated. A major issue that was discussed was

Interpreters. The Board has a stand-by pool for Interpreters on Election Day, but some did not want to work at a poll site outside of their community. Mr. Cederqvist discussed with the advocacy groups that the Board needs their help in recruiting Interpreters from all communities in case there are vacancies in the next election cycle.

The Finance Officer reported on the Vacancy Report dated December 8, 2009.

Commissioner Schacher clarified an action that was taken on her behalf in October 2009. There are two (2) Clerks, Mary Madden and Valerie King, in the Brooklyn Borough Office on Family Medical Leave (FMLA) and they are not being paid, and in their particular lines they substituted two (2) other employees – Robert Marshall and John Vargas.

Commissioner Schacher moved to authorize additional 210 hours of sick leave for Richard Kanar, Senior Voting Machine Technician in the Brooklyn Voting Machine Facility. President Umane seconded the motion, which was adopted unanimously.

The Chief Voting Machine Technician distributed the 2010 Privacy Booth Selection Process Report to the Commissioners. Mr. O’Grady gave

a brief summary of the report. After his report, the three (3) highest rated privacy booth vendors each presented a ten (10) minute overview of their product to the Commissioners and public. The vendors were Naztec International Group LLC, Pakflatt and Printelect. Some issues which were raised by the Commissioners and public during the vendors' demonstrations were ADA Compliance, weight, user mobility, storage, graffiti, lighting, manufacturing and delivery time, and durability.

Commissioner Silie requested an Executive Session to discuss Bronx personnel matters.

President Umane 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. Upon receiving a report from the Bronx Commissioners regarding the status of two (2) employee hearings, the Commissioners moved to terminate Toni Velazquez, Voting

Machine Technician, and Sylvana DiRende, Clerk, of their employment by the Board effective immediately today. The motion was unanimously adopted.

President Umane adjourned the meeting.

The next stated meeting of the Commissioners is scheduled for Tuesday, December 15, 2009 at 1:30 P.M.