

Approved # 2035

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, FEBRUARY 9, 2010
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR COMMISSIONERS' ROOM
NEW YORK, NY 10004

PRESENT: President Julie Dent

Commissioners Araujo, Barrera, Schacher, Sipp, Soumas, Stupp, Umane

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

Valerie Vazquez-Rivera, Director, Communications and Public Affairs

Steven B. Denkberg, Counsel to the Commissioners

GUEST: Mary Lou Urban, LWVNYC

Barbara Barr, LWVNYC

Mark Herman

Jerome Koenig

Marjorie Shea, WCC

Jim Robbins, NYVV

Andrea Senteno, CUF

Stewart Armstrong, VAC

Keith McGinnis, NAZTEC

Todd Mullen, NAZTEC

Rima McCoy, CIDNY

Teresa Hommel, CCNY

Alan Flacks, Member of NY County Democratic Committee

President Dent called the meeting to order at 1:45 P.M.

Commissioner Umane stated with great sadness that Staten Island Democratic Commissioner James Sampel has passed away. He served the City and the people of New York with great distinction, great common sense, and great judgment. He was an excellent Commissioner and will be missed. Condolences go out to his family and friends.

The Commissioners held a moment of silence for Commissioner Sampel.

President Dent stated that she was extremely fond of Commissioner Sampel and he meant a lot to her. He helped her many times when she was a new Commissioner and he will be greatly missed.

Commissioner Araujo moved to table the minutes of January 5, 2010 and January 19, 2010. Commissioner Soumas seconded the motion, which was adopted unanimously.

The Executive Director presented the HAVA update. He reported that he emailed the Commissioners concerning the privacy booths as a follow up to last week's meeting. Mr. Cederqvist distributed a packet that contained correspondences and emails to the Commissioners. Executive

Management contacted OGS and they confirmed that NAZTEC is not currently on the Dominion contract. However, NAZTEC is on the change request that Dominion has submitted to OGS which was approved. The change request is at the State Comptroller's Office for final approval, which can be approved up to 90 days – there are approximately 60 days left in that time period. Mr. Cederqvist requested which direction the Commissioners would like to take regarding the privacy booths. The Gartner consultants analyzed NAZTEC and ES&S prices and they are in the same range now. Commissioner Araujo stated that it is time for the Board to move forward. Commissioner Umane agreed with Commissioner Araujo to move ahead, but he feels the NAZTEC booth is better than ES&S booth. It is sturdier and the sides are bolted, not welded, so it is easier to fix. The Board staff recommended NAZTEC because it is better.

President Dent recognized Jerome Koenig, a member of the public.

Commissioner Sipp recommended for the Board to wait 30 days for the superior privacy booth. If the NAZTEC booths can be delivered in time, he does not see why the Board cannot wait. The Administrative Manager stated that she does not feel that they can wait because the Board has to place the order and give the vendor enough time to produce and deliver the

booths. Commissioner Barrera stated that if the Board waits for approval and something happens then they could be at risk. Commissioners Schacher and Soumas stated that they would like to wait. President Umane recommended for the Board to wait one week and ask staff to check with the State Comptroller's Office to inquire how long it will take to process the request and indicate the amount of privacy booths the Board needs to order. Mr. Denkberg stated that in the unlikely event that the State Comptroller's Office does not approve it, can Plan B - ES&S booths turn around in 90 days? President Dent asked Executive Staff to look into that issue. Commissioner Umane recommended for the Commissioners to inspect the NAZTEC and ES&S booths again to compare that the NAZTEC privacy booth is stronger. President Dent agreed that the NAZTEC booth is stronger. Commissioner Araujo added that price was an issue as well. Commissioner Umane stated that they can negotiate the price. Commissioner Umane moved for the Commissioners to wait one week on the privacy booth issue. Commissioner Barrera seconded the motion, with Commissioner Araujo opposing. The motion was adopted.

The Executive Director reported that he received an invitation from the Governor's Office to participate in a conference call concerning Poll Site Accessibility Legislation. The City and State had different ideas

regarding this issue. Mr. Cederqvist asked direction from the Commissioners. Commissioner Umane moved for Executive Management to participate in the conference call and to report back to the Commissioners. President Dent seconded the motion, which was adopted unanimously.

President Dent requested to add a Brooklyn personnel matter for public session.

President Dent reported that she has an official resignation letter from Mr. Cederqvist which indicates that his last day at the Board is February 12, 2010. He is donating 124 hours of sick leave to the Board's Sick Bank. President Dent thanked him for being a gentleman.

The General Counsel presented the Draft 2010 Recommended Revisions in the New York State Election Law. He distributed hard copies to the Commissioners. Mr. Richman stated that with the introduction of new voting systems, the GELB bills are no longer required. In addition, the "Popkin Petition" proposal was enacted into law last year. The package contains two (2) new proposals:

1. Proposal #10-01 – sets forth a statutory mandate for minimum funding for the Board of Elections in the City of New York (starting at \$25 per registered voter, per fiscal year).
2. Proposal #10-11 – sets forth change in the Election Law to require the State Board and other County Boards to operate the Statewide Voter Registration List in a constitutional and lawful manner.

Mr. Richman stated that the other nine proposals are repeats from last year (and several beyond that) which have not been enacted into law. He requested for the Commissioners to review the package and to consider approving them at the next meeting.

Mr. Richman reported on the City Board's Annual Legislative Information and Education program in Albany. He recommended for the Commissioners to select Monday, March 8 and Tuesday, March 9, 2010 for the annual visit. President Dent notified the Commissioners and Senior Staff that her schedule will not allow her to travel to Albany on March 9, 2010. The Commissioners discussed their schedules. Commissioner Araujo moved for the City Board to attend the Annual Legislative Information and Education program on March 2, 2010. Commissioner Sipp seconded the motion, which was adopted unanimously.

Commissioner Stupp moved to reschedule the Brooklyn Petition Hearings from March 2, 2010 to March 4, 2010 at 1:30 P.M. The motion was adopted unanimously.

The Executive Director stated that today is the Special Election in Queens. He reported that it is operating well, but the Mayor has announced that all New York City public schools will be closed tomorrow due to the expected snow storm. The voting machines cannot be retrieved, but they will be secured in the schools.

President Dent recognized Jerome Koenig, a member of the public, who had concerns with the procedures for counting the paper ballots at the closing of the polls. Mr. Richman reported that Senior Staff asked each workstream to identify what they believe is necessary for legislative changes. To this date they have not received any changes yet. Commissioner Sipp stated that this can potentially present a problem with Article #9 of the New York State Election Law. Mr. Richman stated the Board will have to prepare a supplemental package. Commissioner Sipp wanted to ensure that the workstreams are addressing this issue. Commissioner Umane stated that the Board should work on a suggestion of different items that will change as a result of the new voting systems.

He stated that it is difficult to fathom how the poll workers will count all the ballots from one scanner which has several Election Districts; which would have to be hand sorted first. Commissioner Umane suggested that the better way would be to lock the ballots securely at the closing of the polls and then post-election the ballots can be sorted and counted by Board staff or an alternative strategy. The Deputy Executive Director stated that he brought up this issue with the State Board's Co-Executive Directors for their guidance. A scenario is that if the poll workers sort and count the hundreds of ballots at the close of polls it may make the Board's job difficult since the ballots will be handled a great number of times. The State Board stated that they will get back to the City Board with possible recommendations to amend Article #9 of the Election Law as well as other aspects of the law which may be affected by this problem. The City Board's proposal must work for all counties New York State. Commissioner Umane strongly recommended for the Board to reconsider the scheduled date for the Annual Legislative Information and Education Day in Albany. The City Board should alert Albany that they will attend, but only until they complete a comprehensive Election Law correction bill. Commissioner Umane recommended reconsidering the last motion for the City Board to attend the Annual Legislative Information and Education program on March 2, 2010 to

reschedule for the end of April or beginning of May 2010, so the Board can have the opportunity to compile a comprehensive correction bill package.

Mr. Richman stated that the City Board will be attending the State Board Conference in Albany on April 26, 27, and 28. Commissioner Umane inquired if the package can be mailed by that date. Mr. González stated that it is a critical matter and it will be compiled by that date. President Dent stated that she has faith in the Executive body and staff that they will have the information when needed. She agreed with Commissioner Umane to wait until April because it will give everyone time for the concerns to be addressed.

Commissioner Umane moved to reconsider the last motion for the City Board to attend the Annual Legislative Information and Education program on March 2, 2010 and to reschedule on April 27, 2010 so the Board can have the opportunity to compile a comprehensive correction bill package. In addition, he moved to restore the Brooklyn Petition Hearing from March 4 to March 2, 2010 at 1:30 P.M. Commissioner Sipp seconded the motion, which was adopted unanimously.

President Dent inquired about an update concerning the Board's move to the 11th floor in 42 Broadway. She understands the importance because it is crowded in the office. In addition, President Dent inquired about the Voter Education Training. Mr. Cederqvist reported that the anticipated 11th floor move-in date is April 15, 2010. The Voter Education Training inquiry is tabled for next week's meeting.

The Finance Officer presented the Comparative Expenditures dated February 9, 2010.

President Dent moved to approve an advance of 210 hours of sick leave for Verna Lee, a Clerk in the Brooklyn Office. Commissioner Schacher seconded the motion, which was adopted unanimously.

President Dent recognized Alan Flacks, a member of the public. Mr. Flacks raised concerns with the Deputy Chief Clerk and Record Unit of the Manhattan Borough Office regarding inspecting petitions. President Dent stated that the Commissioners will look in this matter.

President Dent recognized Jose Adames, a member of the public. She noted that Mr. Adames has been before the Commissioners on many

occasions and the former President and fellow Commissioners have been very courteous to listen to his concerns. She added that the Courts have made the decision, not the Commissioners. She noted that the Commissioners will briefly listen, but it has to be the last time to come before them with the same issue. President Dent stated that she understands how passionate Mr. Adames feels about his issue, but the Commissioners cannot do anything about it right now. She suggested that he go to the Courts.

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

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

- I. Unanimously authorized the reimbursement of any legal fees incurred by Commissioner Stupp in connection with her official duties and responsibilities.

Commissioner Schacher moved to adjourn the meeting.

Commissioner Araujo seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, February 16, 2010 at 1:30 P.M.