

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

PRESENT: President Julie Dent
Secretary Juan Carlos "J.C." Polanco

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

George Gonzalez, Deputy Executive Director
Pamela Perkins, Administrative Manager
John Owens Jr., Director, Campaign Finance Enforcement
Dorothy Delayo, Director, Personnel
John Ward, Finance Officer
Lucille Grimaldi, Manager, Electronic Voting Systems
Daniel Lavelle, Supervisor, Phone Bank
Valerie Vazquez-Rivera, Director, Communications and Public Affairs
Katherine James, Deputy Chief Clerk, Queens Borough Office
Robert Pataky, Administrative Associate, Queens Borough Office
Maryrose Sattie, Deputy Chief Clerk, Brooklyn Borough Office
Diane Rudiano, Chief Clerk, Brooklyn Borough Office
Curt Sawyer, Associate Director, Gartner
Nicholas Zimmitti, Associate Staff Analyst & President of CWA Local 1183
Steven B. Denkberg, Counsel to the Commissioners
Charles S. Webb, III, Counsel to the Commissioners

GUEST: Jerome Koenig
Carol Green, DCAS
Rima McCoy, CIDNY
Stewart Armstrong, VAC
Andrea Senteno, CUF
Alexander M. Dillon, DOI
Teresa Hommel, WheresThePaper
Marjorie Shea, WCC
Jim Robbins, NYVV

President Dent called the meeting to order at 1:37 P.M.

President Dent welcomed the new Staten Island Democratic Commissioner Michael J. Ryan.

Secretary Polanco stated that he watched Commissioner Ryan speak before the New York City Council and noted that he did a phenomenal job answering the questions. He discussed the new voting systems, voter education and protecting the voters' rights. Secretary Polanco stated that he looks forward to working with Commissioner Ryan.

Commissioner Ryan acknowledged former Commissioner James J. Sampel who was a personal friend and is greatly missed.

President Dent convened the meeting of the Board of Canvassers for the City of New York relating to the Certification of the March 16, 2010 Special Election for the 13th State Senate District in Queens County.

President Dent called upon Katherine James, Deputy Chief Clerk, and Robert Pataky, Administrative Associate, on behalf of the Chief Clerk

for Queens County, to present the Statement and Return of Canvass for the March 16, 2010 Special Election for certification.

Ms. James requested that the Board of Canvassers certify the Statement and Return of Canvass for the 13th Senate District contest in Queens County. There were reported discrepancies which were explained and did not affect the results. In Commissioner Araujo's absence, it was noted that he reviewed the report. Commissioner Stupp moved to certify the Statement and Return of Canvass for the March 16, 2010 Special Election for the 13th Senate District in Queens County. Commissioner Schacher seconded the motion, which was adopted unanimously.

Commissioner Stupp thanked the Queens Borough Office for doing a great job.

President Dent moved to authorize the use of the Commissioners' stamps on the Statement and Return of Canvass for Queens County which was certified at this meeting. She appointed Commissioner Soumas to serve as the Democratic Member of the Board of Canvassers, in the absence of Commissioner Araujo, for the Queens County certification.

President Dent adjourned the meeting of the Board of Canvassers and convened the regular stated meeting.

Commissioner Schacher moved to approve the minutes of February 23, 2010, March 2, 2010 and March 9, 2010. President Dent seconded the motion, which was adopted unanimously.

Mr. Gonzalez presented the HAVA update. He reported that the State Board did not circulate the Weekly Status Report. Mr. Gonzalez reported on the BMD upgrades. As of today, ES&S installed the new operating/firmware on 1,786 BMDs. The Board staff confirmed the codes on 1,620 BMDs and has verified and recorded the upgrade on 1,378 BMDs. The Board received the first 50 BMDs last week and 350 scanners today.

Mr. Gonzalez reported that the State Board requested to schedule a meeting with the City Board concerning the implementation of the new voting system. The meeting is scheduled for April 8, 2010. Mr. Gonzalez reported that he mentioned to the State Board that the City Board's budget is scheduled to be reduced by July 1, 2010. After the meeting, he will report the highlights to the Commissioners. Commissioner Soumas

requested for a written summary. President Dent inquired if the meeting is with Executive Staff only or Executive Staff and the Commissioners. Mr. Gonzalez replied that the Commissioners are welcome to attend the meeting.

Ms. Rudiano, Chief Clerk, and Ms. Sattie, Deputy Chief Clerk of the Brooklyn Borough Office, conducted a PowerPoint presentation concerning the 2010 Poll Worker Training Program Strategy. Curt Sawyer, Gartner Consultant, assisted with the presentation. They distributed the 2010 Poll Worker Program Strategy Reports to the Commissioners. Ms. Rudiano stated that the 2010 training program will have smaller classes, longer duration for hands-on with the new voting system, and a mock poll site with role play. The topics summarized and discussed were the proposed Adjunct Trainer, Assistant Trainer, poll worker class, and budget.

President Dent recognized Teresa Hommel, a member of the public.

After discussion, Commissioner Schacher moved to approve the 2010 Poll Worker Training Program Strategy Report as submitted. The motion was seconded by Commissioner Barrera, with Commissioners Soumas and Umame opposing. The motion was adopted.

Mr. Gonzalez reported that the Board staff has prepared a Requisition No. 3 that will be submitted to OGS. The Requisition No. 3 contains the following items that the Board would like to purchase: Election Day transport container, data module bag with key and security seals, light duty courier bag, signs, and accessories that are needed for the implementation of the system. He submitted the Requisition to the President and Secretary for their signatures. Commissioner Stupp had concerns about the wheeled transport bag for the New York City Police Department. She stated that the bag is very large and does not think it will fit in a police car, but maybe in a van. Mr. Gonzalez stated that a meeting with the NYPD was scheduled for today, but they cancelled so it will be rescheduled. The NYPD will inspect the transport bag.

Mr. Gonzalez reported on the use of annual leave. He stated that annual leave must be completed by July 12, 2010 which is the first day of petition filing. He requested assistance in the approval of vacations because the Board's departments must be covered for the day-to-day operations. Mr. Gonzalez would like to issue a memorandum to the Board staff concerning this issue. Commissioner Umame stated that annual leave must be approved by the supervisors. He directed for Executive Management and Borough Management to develop a vacation schedule

that is most effective and efficient to run the agency and the “Rule of Reason” must be applied.

Mr. Gonzalez reported on the Fiscal Year 2011 Executive Budget. A copy of the letter from the Office of Management and Budget concerning the FY2011 Executive Budget is in the agenda. Mr. Gonzalez requested guidance from the Commissioners in developing a contingency plan for the proposed lay-offs of 109 employee positions at the Board. It was noted that as directed by the Mayor, every department at the Board must be reviewed and it must be delegated to the Borough Office Managers. President Dent noted that it will be a disaster for the agency and the voters if 109 employees have to leave the Board. Commissioner Soumas stated that he is concerned that in the event the Board attempts to devise a plan along the guidelines of the Mayor that it may be possible that the Board simply cannot devise a plan. The Board cannot conduct operations with 109 employees laid off. Secretary Polanco encouraged the staff to draft a contingency plan for the Commissioners to review and consider.

President Dent recognized Nicholas Zimmitti, President of CWA Local 1183. He reported that Local 1183 stand on the basis that if the lay-offs should happen then it should be done so by seniority.

Commissioner Sipp recommended sending a letter to the Mayor advising that any such drastic cuts will have to be approved by the Department of Justice. Commissioner Soumas stated that it is a proposed budget, not a final budget. Commissioner Ryan inquired if there was any communication with the New York City Council with respect to the proposed restorations that typically occur in the “give and take” process. The individual Council Members have input in the process as well. Commissioner Soumas stated that there was a lot of outreach. Commissioner Ryan stated that if there is no possibility of a restoration then he recommended for the Board to develop a plan because they do not want someone outside the agency redlining positions. President Dent stated that each week there is a Vacancy Report and it would be wise for each Commissioner to fill vacancies in their borough.

President Dent recognized Nicholas Zimmitti, President of CWA Local 1183.

President Dent recognized Teresa Hommel, a member of the public. Ms. Hommel stated that the Board needs political support concerning the budgetary needs.

President Dent stated that she, Secretary Polanco and Executive Management made the suggestion and it will be moving forward. Commissioner Umame added that the Commissioners and Board staff attend the Annual Legislative Information and Education Day in Albany, NY. The Board usually attends the conference before the budget considerations are made, but this year they elected to postpone it. They are concerned that they will need additional changes to the Election Law to facilitate the new voting machines. The list of changes will be presented to the Commissioners at next week's meeting.

Ms. Perkins requested clarification from the Commissioners concerning the contingency plan for the Mayor's proposed budget. She stated that Mr. Zimmitti requested for the Board to take into consideration seniority and asked if they are in agreement with that direction. The Commissioners said no. Commissioner Soumas suggested that it should be based on efficiency.

Mr. Gonzalez reported that a copy of the endorsement request letter from Latino Justice-PRLDEF is in the agenda. Mr. Gonzalez, Ms. Perkins and Ms. Rahmouni met with the representatives of PRLDEF and they explained the process that is required to become Election Day workers.

PRLDEF is applying for a grant from the Election Assistance Commission so they can assist in recruiting college students to serve as poll workers for the upcoming Primary and General Elections. Mr. Gonzalez stated that he explained that the Board will accept them if they agree to serve in a stand-by pool and be assigned to a polling place outside of their home Election District. PRLDEF is requesting for the Board to provide them a letter of support so they can submit it with their application to the EAC and receive funding. Commissioner Stupp inquired how much funding PRLDEF will receive. Mr. Gonzalez did not have a figure. Commissioner Stupp inquired if there will be a cost to the Board. Mr. Gonzalez replied no. Secretary Polanco moved to accept the proposal to support PRLDEF. There was no second. Commissioner Soumas requested for the representatives of PRLDEF to present the program at the next Commissioners' Meeting.

President Dent recognized Marjorie Shea, a member of the public.

President Dent asked Mr. Gonzalez to invite PRLDEF at the next meeting to get a better understanding of the program.

Secretary Polanco requested to discuss a Bronx personnel matter in Executive Session.

Ms. Vazquez-Rivera reported that Townsend Harris Highschool is requesting to borrow six (6) Shoup Lever Machines for student government elections on Friday, April 20, 2010. They understand that there are costs involved with the transportation and the school will incur the costs. Commissioner Umane was concerned that the Shoup machines are storage and Board staff will have to set them up. Commissioner Stupp asked Ms. James if there are six (6) Shoup machines readily available in the Queens VMF from the Special Election. Ms. James replied yes. Commissioner Soumas moved to accept the request. Secretary Polanco seconded the motion with Commissioner Umane opposing. The motion was adopted.

Ms. Vazquez-Rivera requested approval on the Public Education mobile van. Daniel Lavelle distributed color copies of the mobile van mock ups to the Commissioners. The van will transport Board staff from their Borough Office and the voting equipment to the public demonstrations. While it is parked on the road it will also serve as a mobile advertisement. The van's shrink wrap contains the Board's contact information, images

and taglines. Secretary Polanco stated that last Friday the Public Education Committee met and it was discussed thoroughly. Secretary Polanco moved to accept the Public Education mobile van. Commissioner Sipp seconded the motion which was adopted unanimously.

Ms. Vazquez-Rivera requested approval of the Public Education website. She explained that when a voter clicks on the Public Education icon on the Board's current website they will be directed to a homepage that contains all pertinent information on the new poll site voting system. A voter can find a demo, request a demo, become a poll worker, read media coverage and see voting system photos. There will also be instructions on how to use the new voting system and the website will be designed in the four (4) required languages. President Dent asked if the fonts and pictures will be larger for seniors or someone with special needs in vision. Ms. Vazquez-Rivera stated that the website is being built in accordance with Lighthouse International guidelines and they will review the website before it goes live. Commissioner Stupp moved to approve the Public Education website. President Dent seconded the motion which was adopted unanimously.

Ms. Vazquez-Rivera requested approval on the Voter Education brochure. It contains all pertinent information on the new voting system and will be distributed at the public demonstrations. She noted that it is a work in progress. President Dent moved to accept the Voter Education brochure. Commissioner Schacher seconded the motion which was adopted unanimously.

Ms. Vazquez-Rivera reported on the mock up of the demonstration ballots. She stated that she received requests for demonstrations that begin on May 1, 2010 and the Public Education Committee wanted to have demo ballots prepared. The committee did not want to use old ballots with candidate's names so they chose exciting topics, such as Best Ice Cream Flavor, Best Movie, Best Breakfast, etc. Commissioner Umane suggested finding an alternate name for Teal Party because it appears as Tea Party. President Dent recommended an alternate name for Pink Party as well. Commissioner Sipp moved to accept the demonstration ballots. Commissioner Schacher seconded the motion which was adopted unanimously.

Secretary Polanco inquired if Mr. Gonzalez received any resumes for the position of Executive Director. Mr. Gonzalez replied no.

Mr. Ward presented the Vacancy Report dated March 30, 2010.

President Dent inquired if Executive Management has an update from DCAS relating to the move to the 11th Floor. At a previous meeting, it was indicated that the date was moved back to May 1, 2010. Ms. Perkins stated that there is no update.

Secretary Polanco moved to convene Executive Session to discuss personnel matters. Commissioner Sipp seconded the motion which was adopted unanimously.

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

President Dent moved to adjourn the meeting. Secretary Polanco seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, April 6, 2010 at 1:30 P.M.