

THE MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, MAY 11, 2010  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR COMMISSIONERS' ROOM  
NEW YORK, NY 10004

---

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

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

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  
Tom Sattie, Associate Staff Analyst & Ballot Coordinator, CRU  
Daniel Lavelle, Supervisor, Phone Bank  
Valerie Vazquez-Rivera, Director, Communications & Public Affairs  
Charles S. Webb, III, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Keith McGinnis, NAZTEC  
Marjorie Shea, WCC  
Carol Green, DCAS  
Jerome Koenig  
Jim Robbins, NYVV  
Stewart Armstrong, VAC  
Andrea Senteno, CUF  
Teresa Hommel, WheresThePaper.org  
Alan Flacks, Member of NY County Democratic Committee  
Rima McCoy, CIDNY

---

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

President Dent held a moment of silence for Ms. Delayo, Director of Personnel, who has a death in her family. The Board's thoughts, prayers and sympathies are with her.

Commissioner Schacher moved to table the minutes of March 30, 2010 and April 6, 2010. President Dent seconded the motion, which was adopted unanimously.

Commissioner Umane moved to request an advance 210 hours of sick leave, effective April 29, 2010, for Ms. Rosanna Rahmouni, Coordinator of Election Day Operations. Commissioner Schacher seconded the motion, which was adopted unanimously.

President Dent presented the State Board Annual Conference item. She thanked the Commissioners who attended, Executive Staff and Mr. Richman for all that they do on behalf of the Board. Mr. Gonzalez reported that the State Board Annual Conference was held on April 26 – 28 in Albany, NY. He stated that there was a full session day and one of the key items that he was interested in was the new Move Act. The act requires the Board to provide military ballots via internet. It is effective for the 2010 September Primary Election and the Federal Government is

working closely with the State to assist the local county boards in implementing the new legislation. Mr. Richman added that unless a waiver is granted, ballots must be made available to military and overseas voters at least forty-five (45) days in advance of Election Day. However, the military ballot for the Primary Election will list whoever files a petition because the ballots have to go out before hearings are concluded by the Board and court proceedings. Secretary Polanco inquired if the Board should be concerned. Mr. Richman stated that the biggest concern is the General Election because forty-five (45) days before Nov. 3, 2010 is September 16, 2010, which is two (2) days after the Primary Election. He noted that there was no direct funding in support of the Move Act and the State is planning to use HAVA funds allocated for the implementation.

Mr. Gonzalez reported on the Board's Annual State Government Information and Education Day. Executive staff met with the New York State Legislators to review the Board's 2010 Recommended Revisions in the New York State Election Law. The Legislators were very concerned with the implementation of the new voting systems. The Board staff answered all of their questions and advised them of the specific sections of the Election Law that they would like to see changed in order to implement the new system effectively. Mr. Gonzalez stated that one of the issues that

the Board emphasized was the closing of the polls. The Legislators were extremely concerned when they learned what the procedure would be without the NYS Election Law being amended. The Board proposed to let the Board staff count the paper ballots rather than the Inspectors at the close of polls. The Legislators understood the proposal and stated that they will work closely with the Board. Mr. Richman added that there was a demonstration on the two (2) new voting systems by ES&S and Dominion. He reported that many New York City Members attended. Mr. Richman stated that the Board also held a series of five (5) meetings with the Chair and Ranking Minority Members of the Election Law Committees of both houses. They understood the Board's problems, the commitment to move forward and they accepted the Board's Legislation. Mr. Richman stated that he expects to see it as a bill introduced within a few weeks. President Dent added that they met with New York State Senator Martin Dilan as well as Brooklyn County Leader Vito Lopez and they were very sympathetic to the Board's needs. Commissioner Schacher reported that the conference was very productive. Commissioner Stupp agreed with Commissioner Schacher. President Dent stated that the Commissioners who were in attendance at the conference were very vocal and helpful as it relates to the Board's plight. She personally thanked Commissioners Umane, Schacher, Stupp and Ryan and Executive Staff for their hard work

and doing a wonderful job. Commissioner Schacher thanked President Dent for being very instructive as well.

Mr. Gonzalez presented the HAVA update. He reported that the operating firmware has been upgraded on 1,798 BMDs. The codes have been recorded and verified on 1,719 BMDs. The Brooklyn VMF has received 1,287 units of the new optical scanning equipment. The acceptance testing has been completed on 1,282 units and is currently being recorded. The Queens VMF has received 1,044 units and the acceptance testing has been completed on 1,037 units. Mr. Gonzalez reported that the Manhattan VMF will be receiving their shipment today and tomorrow.

Mr. Gonzalez reported that staff has prepared Requisitions #4, #5 and #6. Requisition #4 relates to the purchase of the privacy booths, Requisition #5 relates to the Boroughs' primary location, EMS Services and work stations, and Requisition #6 relates to the ballot bin liner case and extended battery power card. Mr. Gonzalez requested for the President and Secretary to sign the three (3) requisitions so staff can submit them to OGS today.

Mr. Gonzalez reported on the Affidavit ballots item. He stated that at a previous Commissioners' meeting this matter was discussed. Mr. Gonzalez summarized that the Executive Steering Committee discussed if the Board should use one (1) Affidavit ballot or the current Team Work ballot. A copy of the memorandum from Tom Sattie, Ballot Coordinator, is in the agenda. The memorandum explains the price quotes for ballots based on the two (2) separate ways of ordering Affidavit ballots. Mr. Sattie explained that the first version is based on ordering poll site ballots for 125% of the registered voters in New York City, as been approved by the Steering Committee as an accurate percentage of ballots to order for Election Year 2010. The second version is based on ordering poll site ballots for 110% of the registered voters in New York City, which has been the recommendation made by the State Board, plus half of the Affidavit ballots the Board has ordered in a Governor's election year in the past. After discussion, President Dent moved to use the old Affidavit and Emergency ballots. Commissioner Barrera seconded the motion, with Commissioner Araujo abstaining and Commissioner Umame opposing. The motion was adopted. Commissioner Araujo inquired how the Board will decide the number of ballots to purchase. Mr. Sattie replied that he will prepare a report concerning that matter and present it at next week's meeting.

President Dent announced that she would like to add an item to the agenda which concerns Community Boards.

Mr. Gonzalez reported on the CityTime Project. A copy of an email concerning the CityTime Project is in the agenda. Mr. Gonzalez summarized that the City is trying to implement the project and they have been reaching out to the Board to see if it would like to participate. In previous years, the Board has respectfully declined the invitation because staff was very busy implementing the new voting systems. Mr. Gonzalez stated that staff from the CityTime Project requested to set up a meeting with the Board to review the agency's titles to see if it would qualify for the project. He stated that he feels that the Board should not participate in the project and asked for guidance from the Commissioners. After discussion, President Dent requested to table this matter for one (1) week. She requested for Mr. Gonzalez and Mr. Richman to gather more information on this matter.

Mr. Gonzalez reported on the draft new absentee ballot application form. A copy of an email from the State Board concerning the application is in the agenda. Mr. Gonzalez reported that Chapter 63 of the Laws of 2010 (A5276-B/S2868B) was approved which simplifies the absentee ballot

application. The State Board would like to obtain comments and suggestions from the City Board on the draft new absentee ballot application. Mr. Gonzalez recommended moving the "Board Use Only" section to the top of the application because it is the first thing staff looks at when filing the application.

Mr. Gonzalez reported on the Assembly Standing Committee on Election Law, Notice of Public Hearing. The Committee invited the Board to attend the hearing on Friday, May 14, 2010 at 10:30A.M. The hearing concerns the budgetary needs of the New York City Board of Elections to implement the Help America Vote Act in 2010. The purpose is to examine the specific budgetary needs to purchase poll site optical scan voting systems and ancillary components, allow sufficient poll worker training on the new systems and conduct sufficient public outreach and education. Mr. Gonzalez requested permission from the Commissioners to attend the hearing. Commissioner Umame stated that the Board should attend the hearing and focus on what the Board really needs; not negotiation purposes. President Dent moved for Executive Staff to attend the hearing, prepare testimony, and to take into consideration the comments expressed by Commissioner Umame. Commissioner Barrera seconded the motion, which was adopted unanimously. President Dent and Secretary Polanco

announced that they will be attending the hearing.

Mr. Gonzalez reported that the New York City Council Hearing on Proposed Executive Expense, Revenue, Capital and Contract Budgets for Fiscal Year 2011 will take place on May 17, 2010 in the Council Chambers, City Hall, at 10:45 A.M. He requested permission from the Commissioners to attend the hearing. Commissioner Umane moved for Executive Staff to attend the hearing and to take into consideration the comments previously expressed. Secretary Polanco seconded the motion, which was adopted unanimously.

Secretary Polanco recommended for Ms. Vazquez-Rivera to send out a press release stating that the Board of Elections in the City of New York will be testifying at the New York City Council Hearing on Proposed Executive Expense, Revenue, Capital and Contract Budgets for Fiscal Year 2011.

Commissioner Soumas requested for a Democratic Party caucus.

Mr. Richman reported on Bill No. A04467-A which permits certain students enrolled in school, with parental consent, to serve as election

inspectors or poll clerks at elections under the election or education law; such students, if so serving while school is in session, shall be recorded as in attendance. A copy of the memorandum is in the agenda. Mr. Richman asked the Commissioners if they would like to submit a comment on this bill. Commissioner Soumas stated that the students are not registered voters. Commissioner Soumas moved for the Board to oppose Bill No. A04467-A. Commissioner Schacher seconded the motion, which was adopted unanimously.

President Dent recognized Alan Flacks, a member of the public.

Ms. Vazquez-Rivera reported on the draft BMD brochure. Mr. Lavelle distributed copies of the draft brochure to the Commissioners. The brochure was created by the Public Education Workstream in-house and it was approved by the Public Education Committee. Ms. Vazquez-Rivera stated that once it is approved by the full Board, it will be sent to Burson-Marsteller so they can create it consistent with the Board's overall campaign concept. Commissioner Umane moved to approve the draft BMD brochure. Secretary Polanco seconded the motion, which was adopted unanimously.

President Dent stated that she has expressed that it is very important to reach out to the Community Boards because they are vehicles to get information out to the voters. She thanked the Public Education Committee and the leadership from the Commissioners who serve on the committee and workstream. President Dent noted that Community Board #4 is very pleased and the Board will be meeting with them on May 19, 2010. She added that Community Board #4 sent out a mailing and most of the information has come from the Board's website and the community is discussing the new voting system. President Dent thanked the Board for their hard work on behalf of the 4.6 million voters.

Ms. Vazquez-Rivera reported on the Community Board letter. She distributed a draft copy of the letter and emailed it to the Commissioners last week. She reported that she did not receive any comments or changes. Ms. Vazquez-Rivera requested approval of the draft letter and the use of the Commissioners' stamps for their respective borough. Secretary Polanco moved to approve the draft Community Board letter. Commissioner Schacher seconded the motion, which was adopted unanimously.

Ms. Vazquez-Rivera reported that the Board's first demonstration is

today at Our Lady of the Miraculous Medal - Holy Name Society in Richmond Hill, Queens. The Board's official launch is May 19, 2010 and she will give updates for the Commissioners on the attendance at the demonstrations. President Dent stated that she is very happy because education is the key. Commissioner Araujo inquired about the temporary outreach staff. Ms. Vazquez-Rivera stated that one (1) employee has been hired by Commissioner Araujo and asked the Commissioners to send her names. President Dent recommended for the Commissioners to send resumes to Ms. Vazquez-Rivera. Ms. Vazquez-Rivera asked the Commissioners to review the list of requested demonstrations that she has emailed them. She stated that the Commissioners have to approve the request of demonstrations for their respective borough. She reported that the Commissioners of Queens have approved their borough's list.

Mr. Ward reported on the Comparative Expenditures dated May 4, 2010, Vacancy Report dated May 11, 2010, and the FY2011 Executive Budget. Secretary Polanco inquired if the Board can split one (1) employee's line into two (2) positions. He asked Mr. Ward to research his question. Secretary Polanco raised concerns regarding an employee who made over \$130,000 in overtime. Commissioner Soumas recommended for the Commissioners' Investigation Committee look into the matter.

President Dent recognized Alan Flacks, a member of the public.

Commissioner Umane 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, May 18, 2010 at 1:30 P.M.