

THE MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, JUNE 15, 2010  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR COMMISSIONERS' ROOM  
NEW YORK, NY 10004

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

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

Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
John Owens Jr., Director, Campaign Finance Enforcement  
Dorothy Delayo, Director, Personnel  
John Ward, Finance Officer  
Valerie Vazquez-Rivera, Director, Communications  
Stephen Thompson, HAVA Training Specialist, EDO  
John O'Grady, Chief, Voting Machine Technician  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Joseph Garber  
Jerome Koenig  
Marjorie Shea, WCC  
Stewart Armstrong  
Carol Green, DCAS  
Rima McCoy, CIDNY  
Kate Doran, LWV  
Alex Voelsan, NYDLC  
Dee Stevens  
Alan Flacks, Member of NY County Democratic Committee

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President Dent called the meeting to order at 1:34 P.M.

Secretary Polanco requested to add a Bronx personnel matter to the agenda.

President Dent requested to add a Brooklyn personnel matter to the agenda.

Commissioner Schacher moved to approve the minutes of the April 20, 2010 and April 23, 2010 meetings. Commissioner Stupp seconded the motion, which was adopted unanimously.

Ms. Perkins presented the HAVA update in the absence of Mr. Gonzalez. She reported that 4,385 scanners have been delivered to this date. A total of 4,384 scanners have been acceptance tested and 4,074 records have been recorded. The Electronic Voting Systems (EVS) staff has started reading the Portable Memory Devices (PMDs) last week and once complete there will be a full report for the Commissioners. The Board has received 310 BMDs which will be used for training and the remainder will be part of the fleet for the upcoming elections. Secretary Polanco inquired how many scanners have to be acceptance tested. Ms. Perkins stated that 5,000 scanners have been purchased for the Board, so there are not a lot left to be tested. President Dent noted that the

Board staff is doing a wonderful job testing the machines so the agency can be ready for the Primary and General Elections. She inquired about an update concerning the NYPD and transporting all supplies and ballots at the close of polls; there were concerns about overtime and the manpower. Ms. Perkins recalled that Mr. Gonzalez reported on the NYPD meeting last week, but as a result, there were follow-up communications with the NYPD. They requested training for approximately 200 - 300 Election Police Officers and Board staff is in the process of developing content for that training. The Board will schedule a follow-up meeting with the NYPD. President Dent stated that she is concerned if the NYPD can accommodate the Board as it relates to the transporting of ballots and supplies to the Borough Offices.

Mr. Thompson presented on behalf of the Poll Worker Procedures Committee concerning procedures for the BMD Affidavit Ballot. He distributed the BMD Affidavit Voting Procedure report to the Commissioners. Mr. Thompson proposed to continue the procedure the Board previously has used on using an ES&S ballot for a BMD voter who is in an affidavit situation, but with an addition of adding a designated box on the back of the ballot so it can be stamped or marked "BMD Affidavit Ballot." Commissioner Araujo noted that the Poll Worker Procedures

Committee extensively reviewed this matter and has included the General Counsel in the discussions. Commissioner Araujo moved to adopt the procedures for the BMD Affidavit Ballot. President Dent seconded the motion, which was adopted unanimously.

President Dent noted that Commissioners Barrera and Ryan have joined the meeting.

Mr. Richman reported the New York State Legislative update. He distributed the Amended Legislation Closing/Canvass Procedures Report and copies of New York State Bills from the Executive Chamber to the Commissioners.

Mr. Richman summarized Bill No. A.11352-A. The bill relates to canvassing, counting and inspecting votes. After discussion, Secretary Polanco moved for the Board to take a positive position on Bill No. A.11352-A. Commissioner Schacher seconded the motion, which was adopted unanimously.

Mr. Richman summarized Bill No. S7221. The bill allows that a manual audit of the voter's verifiable records applicable to any candidate

may be directed in a special proceeding. After discussion, Commissioner Schacher moved for the Board to support Bill No. S7221. Secretary Polanco seconded the motion, with Commissioner Araujo abstaining. The motion was adopted.

Mr. Richman summarized Bill No. A.10946. The bill requires each polling place to be accessible to physically disabled voters and provides guidelines which shall be in accordance with the accessibility requirements mandated pursuant to the federal Americans with Disabilities Act of 1990, as amended. After discussion, President Dent moved for the Board to support Bill No. A.10946. Secretary Polanco seconded the motion, which was adopted unanimously.

Mr. Richman summarized Bill No. A.5707-A. The bill requires owners of buildings who obtain tax abatement exemptions or other public benefits to make available rooms for voting and registration which are accessible to individuals with handicapping conditions. After discussion, Commissioner Schacher moved for the Board to support Bill No. A.5707-A. Commissioner Araujo seconded the motion, which was adopted unanimously.

Mr. Richman reported on the temporary legal services award. He distributed a memorandum concerning temporary additional staff for the Office of the General Counsel during Fiscal Year 2011 for the 2010 Primary and General Elections and related matters to the Commissioners. Mr. Richman reported that staff contacted twelve (12) temporary legal staffing agencies and asked them to submit proposals. The five (5) agencies that responded are Career Quest, LSP, PEAK Counsel, Peter San and Staffing Ease. Mr. Richman noted that he and Mr. Owens Jr. shared a concern that the bid submitted by PEAK Counsel for a rate of \$27.75 per hour is lower than of all the others and would impact on their ability to provide the Board with competent, qualified temporary attorneys. The Office of the General Counsel will use the temporary attorneys for an average of 40-45 hours a week for approximately 26 weeks. Mr. Richman recommended Staffing Ease based on the dollar amounts submitted and their experience during the prior years. He requested for the Commissioners to authorize the staff to retain the services subject to the adoption of the budget. Secretary Polanco noted that he would like to see the same attorneys every year who understand the process then have to re-train new temporary attorneys. Mr. Richman explained that the Board needs a budget allocation in order to permanently hire new attorneys.

President Dent moved to authorize Mr. Richman's request. Commissioner Barrera seconded the motion, which was adopted unanimously.

Ms. Vazquez-Rivera presented the media buy for the Public Education Campaign. Mr. Lavelle distributed copies of the 2010 NYC HAVA Media Flowchart to the Commissioners. Ms. Vazquez-Rivera reported that the Commissioners' Public Education Committee approved the media buy and would like the full Board to ratify the decision. The media buy is for outdoor advertisements (bus shelters and subway car cards) and community newspapers. Secretary Polanco moved to adopt the media buy, within the Burson Marsteller contract for \$810,000, as presented. Commissioner Soumas seconded the motion, which was adopted unanimously.

President Dent noted that she admires local newspapers because when Ms. Vazquez-Rivera and her team held a public demonstration on the new voting machines at Community Board #4 in Brooklyn, the Bushwick Observer wrote a great article and the Board got free publicity. She asked Ms. Vazquez-Rivera to scan the article and share with the Public Education Campaign. Commissioner Araujo requested for the article to be uploaded on the Board's website. President Dent thanked Ms. Vazquez-Rivera and

her team for reaching out to all of the Community Boards to have a public demonstration of the new voting machines.

In Mr. Ward's absence, Ms. Perkins presented the Comparative Expenditures report dated June 15, 2010.

Secretary Polanco advised that Executive Management should be in attendance at the Commissioners' Meetings every Tuesday.

Secretary Polanco requested an advance of 210 sick hours for Scott Fiore, Clerk in the Bronx Borough Office. Commissioner Barrera seconded the motion, which was adopted unanimously.

President Dent recognized Ms. Stevens, a member of the public.

On behalf of Commissioner Umame, Secretary Polanco requested an extension of advanced 210 sick hours for Rosanna Rahmouni, Coordinator in the Executive Office, effective May 27, 2010. Commissioner Soumas requested to discuss this issue in Executive Session.

President Dent moved to hold the next meeting of the Commissioners on Monday, June 21, 2010 at 1:30 P.M. because the Commissioners will be at the State Board's Conference during that week. Secretary Polanco seconded the motion, which was adopted unanimously.

Commissioner Soumas 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 meeting resumed and President Dent reported the actions that were taken in Executive Session:

- I. The Commissioners granted an advance of 210 hours of sick leave for Rosanna Rahmouni, Coordinator in the Executive Office.
- II. The Commissioners amended the Personnel procedures, effective immediately, that before any advance of sick leave is considered, the employee must exhaust any leave balances that they have, including but not limited to, sick leave, vacation and compensatory time. The Director of Personnel and the General Counsel will work together to revise the Board's

Policies and Procedures Manual to reflect that motion. The motion was adopted unanimously.

- III. In a roll call vote, seven (7) in favor (President Dent, Secretary Polanco, Commissioners Araujo, Barrera, Schacher, Ryan, Stupp), one (1) abstention (Commissioner Soumas,) and one (1) not present in the vote (Commissioner Sipp), as it relates to Ms. Gwendolyn Youngblood, Director of Equipment in the Executive Office, is to be compensated for eight (8) months, in question, for working out of title.
- IV. It was reported that Ralph DeLeon, Administrative Assistant in the Brooklyn Voting Machine Facility, is presently on FMLA leave. The Commissioners voted for Mario Baskin, Senior Voting Machine Technician in the Brooklyn Voting Machine Facility, to work temporarily on Mr. DeLeon's work line, effective immediately, at Mr. DeLeon's salary. When Mr. DeLeon returns, Mr. Baskin will resume his position.
- V. The Commissioners determined that the Phone Bank in the Staten Island Borough Office will have ten (10) S.I. Democrats and ten (10) S.I. Republicans to fill the twenty (20) temporary employee positions, effective July 1, 2010.
- VI. The Commissioners determined the amount of temporary

employees for each borough. The amount is as follows:  
Brooklyn – 50, Manhattan – 60, Queens – 60, Bronx – 44,  
Staten Island – 44, effective July 1, 2010 and equally divided  
between Democrats and Republicans.

Commissioner Soumas moved to adjourn the meeting.  
Commissioner Ryan seconded the motion, which was adopted  
unanimously.

The next stated meeting of the Commissioners is scheduled for  
Monday, June 21, 2010 at 1:30 P.M.