

THE MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON MONDAY, JUNE 21, 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 Araujo, Barrera, 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
Stephen Thompson, HAVA Training Specialist, EDO
Amanda Conacchio, Administrative Associate, Queens Borough Office
Kate Nowady, Law Student Summer Intern
Ted Anastasiou, Law Student Summer Intern
Daniel Lavelle, Supervisor, Phone Bank
John O'Grady, Chief, Voting Machine Technician
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Marjorie Shea, WCC
Bryan Lee, AALDEF
Jennifer Wong, AALDEF
Carol Green, DCAS
Rima McCoy, CIDNY
Jerry Koenig
Alan Flacks, Member of NY County Democratic Committee
Nelson Deus

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

Mr. Richman introduced the law student summer interns who will be assisting the Board during the petition and election cycle. The Commissioners welcomed the interns.

Mr. Richman requested to discuss legislation and personnel matters in Executive Session.

Commissioner Barrera moved to approve the minutes of the May 11, 2010 meeting. Commissioner Araujo seconded the motion, which was adopted unanimously.

Ms. Perkins presented a report on behalf of the Commissioners' Finance Committee regarding Voting Equipment Transportation Contracts. She reported that a meeting was held on June 15, 2010 with Mr. O'Grady and the committee approved the Voting Equipment Transportation Contracts. It is a total of nine (9) contracts with a value of \$22,064,020.90. The contracts were procured by a Competitive Sealed Bid and Mr. O'Grady complied with all of the Procurement Policy and Procedures Rules for the City of New York. In addition, there was an additional contract for the transportation of the lever machines and BMDs with a value of \$7,494,721.16 which was procured in the same manner. Ms. Perkins

requested for the full Board to ratify the actions of the Finance Committee. Commissioner Barrera stated that she, Secretary Polanco and Commissioner Soumas are part of the Finance Committee and they were thoroughly briefed and felt confident on the presentation that was made. Commissioner Schacher requested the names of the vendors. Ms. Perkins replied that she will email the report, which was prepared by Mr. O'Grady, to the Commissioners. Secretary Polanco moved to ratify the decision and added that he would like to ratify the decision to authorize the use of the car service contract for one (1) day to transport the Board staff that is participating in the Public Education Campaign photo shoot. Commissioner Schacher seconded the motion, which was adopted unanimously.

Commissioner Araujo explained that the Board used their own staff members and location, as opposed to hiring actors and securing a studio space, because it saved a lot of money.

Ms. Perkins presented the HAVA update in the absence of Mr. Gonzalez. She reported that the Board's scanners citywide have been acceptance tested to this date.

Commissioner Soumas recalled that two (2) weeks ago, there was a report on the status of readiness for various workstreams concerning Primary Day. There were multiple late tasks and he raised an issue of staff attending the State Board Conference in Lake Placid, NY. He requested the status of the timelines. Ms. Perkins replied that three (3) workstreams are still in “red status.” The report on why they are in “red status” is not available because it is not prepared yet. President Dent added that one (1) of the items of concern relates to a bill being passed which will effect the development of the Poll Worker’s Manual. The bill concerns the manual counting of paper ballots by the poll workers and she noted that it was discussed on April 20, 2010. President Dent asked Mr. Richman to elaborate on the bill. Mr. Richman reported that copies of the bills are in the agenda and he summarized them. Ms. Perkins clarified that the three (3) workstreams in “red status” that are being worked on is the Poll Worker Training, Election Day and Support Operations and PVS Set-up Training and Tracking. President Dent recalled that this status came up a couple of weeks ago, and all Commissioners were concerned with the items that were in “red status.” Commissioner Sipp inquired if the Board has to wait for the actual procedures from the State in order to start Poll Worker Training. Mr. Richman replied yes; the approved process is dependent on

State action. President Dent noted that the Leads are being trained two (2) separate ways.

President Dent recognized Maryrose Sattie, Deputy Chief Clerk in the Brooklyn Borough Office.

Ms. Sattie stated that they were told to train the Lead Trainers under the current law because the bills still have not been passed. The current law states that poll workers have to count every ballot. Commissioner Barrera added that the sub-committee discussed that although they are being trained under new law, there was a notation that they are working to amend that. Mr. Richman noted that the bill summaries are in the agenda on pages 42-25. Commissioner Sipp confirmed that the items are in “red status” not because of Board internal operations, but because the Board is waiting for the State to make a decision. Mr. Richman thanked the staff of the Assembly because after they drafted the bills they made all of the changes the Board asked for, and the amended version that got passed by the Assembly took care of each of the Board’s needs.

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

President Dent stated that they are very pleased with the Assembly because they heard the concerns of the Board. They worked with the Board as it relates to the procedures and for the 4.5 million voters of New York City and is confident that the bills will be passed.

Mr. Ferguson reported on the New York State Task Force Re-Appportionment. He recalled that approximately a month ago, the Board was approached by Senator Dilan about this task force. The task force held a training class and one (1) MIS staff member attended. President Dent noted that the Commissioners requested for a staff member to attend the class. As a result, Mr. Ferguson started receiving inquiries from the task force. He requested authorization from the Commissioners to start sharing information with the New York State Force. President Dent inquired what information they would like. Mr. Ferguson replied they had inquiries about current mapping and the districts. Commissioner Araujo asked who went to the training class. Mr. Ferguson replied Pablo Martinez, Senior Systems Analyst, attended the three (3) day training. President Dent stated that when the Commissioners were in Albany they spoke with Senator Dilan and he indicated the type of training that would be taken place. The Commissioners requested for Mr. Martinez to attend the training. Secretary Polanco requested for the information to be available to

both parties. Mr. Richman stated that the Board would provide the information to the whole task force which is public data. Commissioner Soumas suggested that any information the Board provides should be copied to the Majority and Minority counsel. President Dent noted that it is a wonderful idea, but it is the job of whoever wants information to reach out to the Board as well. She added that the reason why they did not send the information to anyone else is because they did not request it, and the Board is reaching out in a bipartisan fashion.

Mr. Liberman reported on the update on the status of the Poll Site Ballot Contract for FY2011 through FY2013. Mr. Liberman distributed the New Voting Ballot Counts As Per CRU spreadsheet to the Commissioners. He summarized the spreadsheet. On May 18, 2010, Mr. Sattie presented the amount of ballots required to be purchased. Mr. Liberman stated that he created a contract through OGS starting on July 1, 2010 through January 31, 2013. It does not mean that the Board will use 2012 or 2013; their aim is to create another contract after this year. Mr. Liberman explained that they are following the procurement type of an Intergovernmental and Cooperative Purchase. The fair price on the OGS Contract was \$1 per ballot, but he negotiated to .65 cents per ballot. The savings is approximately \$4,405,765.00. The entire contract is at a cost of

\$29,937,472.50. Commissioner Barrera inquired how the staff got to the actual number of ballots that CRU needs. Mr. Richman stated that it is based on 110%; three (3) ballots per voter. Mr. Liberman requested from the Commissioners to move forward to have the contract registered and awarded. President Dent moved to accept Mr. Liberman's request to move forward with purchasing the ballots. Commissioner Schacher seconded the motion, which was adopted unanimously.

Mr. Thompson and Ms. Conacchio reported on the contingency option for the transportation of unused paper ballots. Mr. Thompson distributed the Blue Poll Site Return Bag and Election Night Closing and Transport Flow – Current Law reports to the Commissioners. He stated that previously when they presented several of the poll site flows and other documents he said they would purchase one (1) of the poll site return bags. Staff held off on purchasing as long as they could because if the law changes the Board does not need the bags. However, without the law changing right now they need to order the bags just in case the Board does need them. Staff reduced the request for one (1) blue poll site return bag per poll site and a few extra for the larger poll sites. Commissioner Araujo inquired if the manufacturers set a deadline for these orders. Mr. Thompson replied yes. Commissioner Araujo inquired how the Board

could utilize the return bags if the law changes. Mr. Thompson stated that any remaining ballots at the poll sites can be secured and locked in the bags and returned to a supply cart. In addition, the Borough Offices could use them in other capacities such as storing training supplies, petitions, etc. Mr. Thompson stated that the deadline to order the poll site return bags is today. President Dent stated that she understands the urgency of this situation and the Board has to move forward. She recalled that the original contract indicated the amount of bags to purchase, but the Board only needs one (1) per poll site now. She inquired if the manufacturer is aware and if there is no penalty. Mr. Thompson stated that the manufacturer is aware of this matter and they have revised their timelines. The manufacturer could not produce 6,700 bags in time for the election now. Mr. Richman stated that the contract would be for the reduced amount of 1,776 poll site return bags and the cost would be \$223,776.00 instead of \$846,720.00. Commissioner Stupp asked Mr. Thompson to inquire if the Board could purchase the bags without the seals and what the deadline would be. Mr. Thompson noted that the bags are custom made for the Board and not laying in stock. Commissioner Stupp suggested that the Board staff could apply the seal. Mr. Richman added that the bags will be for unused ballots to be transported by police officers on Election Night. Commissioner Araujo stated that the Board could use the bags for other

purposes and he does not think it would be a loss. Commissioner Araujo moved to authorize Mr. Thompson's request to place an order for the blue poll site return bags and to inquire what the cost and deadlines would be to order bags without the Board's seal, if the law does not change. Commissioner Schacher seconded the motion, with Commissioners Soumas and Stupp abstaining. The motion was adopted.

Mr. Lavelle and Mr. O'Grady reported on petition copies. They distributed sample copies of petitions to the Commissioners. Mr. Lavelle stated that petition photocopying is approaching and as a step to get prepared they met with the print vendor. He explained that you can feed a copier a standard 8.5" x 14" petition and get all pertinent information on one (1) sheet. However, there is a problem when the Board receives a 3' petition because staff has to copy the first page with all of the candidate's information into three (3) different sections, then every subsequent page they just copy the signatures and page number. Mr. Lavelle recalled that Mr. Richman stated that the Board may have to copy all pertinent information from the top to the bottom on every page. Mr. Richman agreed, if requested by the candidate. President Dent inquired how the Board has been making copies in the previous years. Mr. Lavelle stated in the past eight (8) years that he has been leading the petition photocopying

staff they have only copied the first page unless there was County Committee. He stated that the price will increase for the members of the public requesting the petitions. Mr. Lavelle requested guidance from the Commissioners. Mr. Richman suggested for the Board to give the candidate an option to sign off if they would like the whole page copied or not. President Dent asked why this issue is coming up now after all of these years. Mr. Lavelle stated that when they met with the printer vendor they were concerned about their pricing. Secretary Polanco stated that he does not want the members of the public to pay more for their copies. Mr. Richman suggested that the staff could give them an option to check off if they would like full page copies or just the signatures, and then the Board would have a written statement. Commissioner Soumas inquired who raised this issue, the vendor or borough staff. Mr. Lavelle replied that the vendor raised the issue of pricing. Commissioner Soumas asked who contacted the vendor. Mr. O'Grady stated that Mr. Liberman contacted the vendor to discuss the contract. Ms. Perkins requested to accommodate Mr. Richman's request and to make a change on the receipt so the customer can acknowledge how they want their copies. Commissioner Soumas suspects that this issue arose because the vendor wants more money. Commissioner Soumas recommended for the Board to keep the past practice because the Board is in compliance with the FOIL Act.

Mr. Ward presented the Vacancy Report dated June 21, 2010.

President Dent asked Ms. Perkins if the Board has received any other resumes for the position of the Executive Director. Ms. Perkins replied no.

Commissioner Schacher moved to convene an Executive Session to discuss litigation and personnel matters. Commissioner Stupp 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. By a vote of seven (7) in favor (Dent, Polanco, Araujo, Barrera, Schacher, Sipp, Soumas) and one (1) opposed (Stupp), the Commissioners directed that all Board employees are prohibited from using personal laptops in any Board facility, effective today.
- II. The Commissioners agreed that the Lead Trainers will return to the Board for additional training if the bill is passed in the Senate. The workstream will be asked to develop any solutions that would aid them with the closing procedure on

Primary and General Election Days, under the current law.

Commissioner Schacher moved to adjourn the meeting. President Dent seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, June 29, 2010 at 1:30 P.M.