

THE MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, JUNE 29, 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, Ryan, Schacher, Sipp, Stupp, Umane

George Gonzalez, Deputy Executive Director
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
Kate Nowadly, Law Student Summer Intern
Ted Anastasiou, Law Student Summer Intern
Daniel Lavelle, Associate Staff Analyst
John O'Grady, Chief, Voting Machine Technician
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Douglas Kellner, NYS BOE
 Zachary Maltov, Citizen's Union
 Carol Green, DCAS
 Marjorie Shea, WCC
 Stewart Armstrong, VAC
 Alex Voetsch, NYDLC
 Jon Stockman, NYDLC
 Bryan Lee, AALDEF
 Rima McCoy, CIDNY
 Kate Doran, LWV
 Teresa Hommel, Wheresthepaper.org
 Alan Flacks, Member of NY County Democratic Committee

President Dent called the meeting to order at 1:42 P.M.

President Dent welcomed Douglas Kellner, Co-Chair of the New York State Board of Elections. She thanked him for his insight and help at the 2010 ECA Summer Conference.

Commissioner Schacher requested to add a Brooklyn personnel item to the agenda for Executive Session.

Commissioner Schacher moved to approve the minutes of the May 18, 2010 meeting. Commissioner Stupp seconded the motion, which was adopted unanimously.

Commissioner Umame requested to discuss an Executive Office personnel matter in Executive Session.

Commissioner Stupp moved to grant an advance of 210 hours of sick leave for Philip Mione, Computer Data Analyst in the Executive Office. Secretary Polanco seconded the motion, which was adopted unanimously.

President Dent asked Mr. Gonzalez if he has received any other resumes as it relates to the Executive Director position. Mr. Gonzalez replied no.

Mr. Gonzalez presented the HAVA update. He summarized the status for scanners as of June 28, 2010. A copy of the report is in the agenda. Mr. Gonzalez noted that he will keep the Commissioners updated on the status of equipment.

Mr. Gonzalez submitted Requisitions #9, #10, #11 and #12 to the Commissioners. They are as follows:

- Requisition #9 - relates to the purchase of the four (4) wheel rolling supply bag in the amount of \$223,776;
- Requisition #10 - relates to the servers and laptops/computers in the amount of \$79,710;
- Requisition #11 - relates to the job ticket holder in the amount of \$38,908;
- Requisition #12 - relates to the poll site voting systems spare equipment in the amount of \$6,830,000.

Mr. Gonzalez requested for the President and Secretary to review and sign the requisitions.

Mr. Gonzalez reported on the 2010 ECA Summer Conference which was held last week in Lake Placid, NY. The staff in attendance was Mr. Gonzalez, President Dent, Commissioner Stupp and Schacher,

Mr. Richman, Ms. Rudiano and Mr. O'Grady. Mr. Gonzalez stated that the conference was very eventful. He gave a presentation with President Dent, Commissioner Stupp and Mr. Richman concerning the New Poll Site Voting System (PVS) Implementation Project. A copy of the presentation is in the agenda. Mr. Gonzalez explained that the association was amazed when they learned the amount of poll workers the City Board has to train, the amount of equipment that has to be deployed, and all of the other work that has to get completed for the implementation. President Dent thanked Mr. Gonzalez, Commissioner Stupp and Mr. Richman for their marvelous presentations at the conference. She added that the other Commissioners that were in attendance did a great job as well. President Dent stated that it does not matter how large or small your county is because voters have the same needs. The Board's job is to ensure that they do not disenfranchise any voters and to meet their needs as they move toward the new voting machines. President Dent thanked Mr. Kellner for providing information and clarity that they needed at the conference. She thought it was a great idea for Mr. Kellner to visit the City Board to see what they are doing first hand.

President Dent opened the floor for comments from Douglas Kellner, Co-Chair of the New York State Board of Elections.

Mr. Kellner stated that he was a Commissioner for twelve (12) years at the City Board. He thanked the City Board for their excellent presentation at the 2010 ECA Summer Conference. Mr. Kellner stated that the State Board, and throughout the New York State government as a whole, realizes the enormity of the undertaking that the City Board is under in order to implement the new voting machines. He added that the State Board will assist the City Board to the degree that they can. He emphasized that Inspector training is very important because if it is good then everything will fall into place. He also understands the difficulty of recruiting and training such a large force. Mr. Kellner added that the Inspectors who had hands-on training during the Pilot Program had the best results and he knows that the City Board is addressing that matter. Mr. Kellner discussed the issue of the “over vote” notification on the voting screens. He stated that he personally has supported the request to change it, but on the other hand, he thinks it is a “mole hill” because the number of voters effected is tiny and the issue it out of proportion. He added that it is disappointing to read headlines suggesting that thousands of voters will lose their vote on the new machines. Mr. Kellner stated that he has been advocating for three (3) years that there be an “under vote” notification because there is a huge amount of people who “under vote” compared to “over vote.”

Commissioner Umame stated that there has been a lot of legislation and asked if the State Board can weigh in and help get the bills signed by the Governor that Mr. Richman will report on. Several bills will help facilitate the whole election process particularly counting the votes on election night. Mr. Kellner stated that the bills have been passed on Thursday and he emailed the Counsel for the Governor asking he expedite the signature of the bills. Mr. Kellner stated that he does not think there will be an issue on the bills and feels that they will be promptly signed by the Governor. Commissioner Umame added that the City Board is working on the rewriting of the poll worker education project based on the anticipated signing of the bills.

President Dent noted that Commissioner Barrera has joined the meeting.

President Dent asked the Commissioners to write to their Members of Assembly and Senate to thank them for passing the bill as it relates to the procedures. She said it was a collaborative effort to get the bills passed and noted that Mr. Richman stressed during his presentation at the conference that if other Commissioners contacted their Senators as well, it will help the City Board get the bill passed. President Dent stated that they

are very grateful and it would not have happened without the support of the other Commissioners. Commissioner Schacher added that she learned a lot from the conference and all staff members did a marvelous job with the presentation. She thanked Mr. Kellner for coming to the Board today. Commissioner Stupp mentioned that she was very proud that she and President Dent were elected by their respective caucus to be on the New York State Legislative Committee. She thinks that it is important for New York City's involvement beyond the statewide level and she looks forward to work with President Dent and the Legislative Committee. President Dent replied that it is an honor to serve with Commissioner Stupp as well. Mr. Richman added that Mr. Gonzalez was re-elected to the Executive Committee.

Mr. Richman reported on New York State Legislation. He requested authorization from the Commissioners to send a message to support the following bills:

- Bill No. S07610 - permits the lease or purchase of equipment, supplies, ballots, printing and publications for use by the New York City Board of Elections to be procured by the purchasing agency of such city, subject to compliance with the rules and regulations of the New York City procurement policy board and state law.

Commissioner Umane moved to authorize Mr. Richman to send a message to support Bill No. S07610. Commissioner Schacher seconded the motion, which was adopted unanimously.

- Bill No. A11352A – Relates to canvassing, counting and inspecting votes.
- Bill No. A11353A – Enacts provisions relating to the opening of the polls and duties of election inspectors.
- Bill No. A11354A – Enacts provisions relating to the form of Election Day paper ballots; use of ballot scanner; form of absentee ballots. Commissioner Umane moved to authorize Mr. Richman to send a message to support Bill Nos. A11352A, A11353A and A11354A. President seconded the motion, which was adopted unanimously.
- Bill No. 6910A – Allows the board of elections to administratively set standards for the change of mailing address and requires a candidate to provide the board with depository information. Commissioner Schacher moved to authorize Mr. Richman to send a message to support Bill No. 6910A. President Dent seconded the motion, which was adopted unanimously.
- Bill No. S07222 – Requires the Board of Elections in the City of New York to maintain a voting machine storage and preparation facility in each borough of the city.

- Bill No. S07884 – Makes technical corrections with regard to political subdivisions and election districts; removes counties and replaces with political subdivisions for purposes of determining an individual's election district. Commissioner Umame stated that this bill would not be good for New York City. It would create confusion and would possibly hurt the City Board. He recommended for New York City to be removed from the bill. President Dent agreed with Commissioner Umame. Mr. Richman stated that he will make a phone call and follow up with an email concerning this matter.
- Bill No. S01434A – Prohibits election commissioners and deputy commissioners from holding a publicly elected office or from being the respective chair of the county democratic or republican committees.
- Bill No. A0841 - Relates to the deadline for the publication of enrollment lists; requires list to be published before the first day of April in all election years.
- Bill No. A8525 – Provides the timing of appointment of commissioners of election where no members of a legislative body who are members of the political party filed the certificate.

Ms. Vazquez-Rivera reported on the public education update. Mr. Lavelle distributed copies of the Status of the Public Education Program report to the Commissioners. Secretary Polanco asked who prepared the report. Ms. Vazquez-Rivera replied the Public Education Committee and Gartner staff. She explained the key accomplishments and next steps from June 8, 2010 to date of the public education program. Ms. Vazquez-Rivera stated that the photo shoot for the ads are complete and they serve to highlight the scanner. The draft ads feature Board talent and were shot at an existing Board poll site. Mr. Lavelle presented the story boards for the Commissioners to review. Secretary Polanco asked if there are any pictures of Caucasians as voters in the ads. Mr. Richman stated that there is a Caucasian male voter pictured marking his ballot in the Privacy Booth. Commissioner Stupp asked if the “1, 2, 3 Steps” will be posted on the poll sites’ walls. Mr. Richman replied that there will be identifying signs “1, 2, 3 Steps” at the poll sites. Ms. Vazquez-Rivera confirmed that she has secured free ad space with the MTA. The MTA confirmed that they will have poster space adjacent to the MetroCard vending machines in all subway stations running from August – October. President Dent requested for the key contact person’s information because the Commissioners would like to send a ‘thank you’ letter. Ms. Vazquez-Rivera reported that she sent the draft ad to CIDNY for review and they

suggested for the Board to properly align the “1, 2, 3 Steps” so it is visually appealing. The ads will be finalized in high resolution images and will be larger in full page ads. President Dent asked for a variation of images to be enlarged and be featured as the main frame in the posters. Ms. Vazquez-Rivera acknowledged the request. Ms. Vazquez-Rivera presented the draft campaign flyer and poster in all four (4) covered languages for the Commissioners to review. Commissioner Umane suggested showing the voting machine instead of the bridge. President Dent added that she would like to see variety in the flyers and posters that feature the voting machine as well. Ms. Vazquez-Rivera stated that she can include the “1, 2, 3 Steps” photographs in the posters and flyers. She added that there will be a Learning Center poster easel in the lobbies of the five (5) Borough Offices and Executive Office. Commissioner Araujo initially developed the idea. Mr. Lavelle presented the poster easel to the Commissioners. The poster indicated the Learning Center schedule and information in the four (4) covered languages. Ms. Vazquez-Rivera requested approval from the Commissioners to produce the poster easels. Commissioner Polanco requested to add the Commissioners’ names at the bottom of the posters for their respective borough. Mr. Richman stated that it might conflict with the State Law.

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

President Dent recognized Rima McCoy, a member of the public. She requested for the Board to add the TTY # to the poster. Ms. Vazquez-Rivera stated that she will make that addition.

Ms. Vazquez-Rivera reported on the Public Education website. It has been translated in all four (4) covered languages and a Community Outreach page containing the demonstration schedule and Learning Center schedule is being developed. There have been 200 unique visitors and 350 visits since May 14, 2010. The next step is to update videos on the website pending the budget.

Ms. Vazquez-Rivera reported on Public Outreach. The Board vans have been wrapped with the campaign graphics and uniforms have been printed and will be delivered on June 29, 2010. The photographs of the vans and uniforms are in the report. It was reported that the Board conducted a total of 42 public demonstrations since May 11, 2010 with 2,496 participants. Ms. Vazquez-Rivera continues to receive demo requests daily. She has a meeting with CUNY on July 8, 2010 for demonstrations on all CUNY campuses. Commissioner Umame asked if

she will hold poll worker recruitment on the campuses as well. Ms. Vazquez-Rivera replied that she is working with the Voter Registration Department concerning that matter. There are fifteen (15) outreach staff members that have been hired to date. The Learning Centers opened June 21, 2010 and are open during normal business hours. In addition, there is one (1) evening per week and one (1) weekend per month. Ads will begin running in newspapers in mid/late July and the mobile outreach will continue through October 31, 2010. Mr. Richman inquired if DOITT will host the Board's website. Ms. Vazquez-Rivera replied that there is an issue of time sensitivity and they want the website live by July. Mr. Ferguson stated that he had a conference call with DOITT and Burson Marsteller (BM) approximately two (2) weeks ago and the process is very detailed. BM will continue with their original plan and work with DOITT on a parallel path. DOITT contacted the Board about the funding sources. It would take longer than mid-July. Mr. Richman confirmed that the website will be independent and managed by BM. Ms. Vazquez-Rivera added that an independent subcontractor will be hosting the website which was in the original scope of work.

Ms. Vazquez-Rivera urged the Commissioners to notify her if they will be attending a public demonstration because she will be sending out press advisories.

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

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

Commissioner Schacher moved to approve Ms. Vazquez-Rivera's report with the modifications to the advertisements as suggested. President Dent seconded the motion, which was adopted unanimously.

Mr. Ward presented the Comparative Expenditures report dated June 29, 2010.

Mr. Ward presented the report on BOE Budget – FY2011. He noted that they do not have a budget for FY2011 yet. On Thursday, there was a handshake agreement with the City Council and the Mayor, and they might be voting on some parts tomorrow. They will move \$1 million dollars from OTPS to PS. Mr. Ward stated that he will report to the full Board once he hears from City Council.

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

Following the Executive Session, the open public meeting resumed and Secretary Polanco reported the actions that were taken in Executive Session:

- I. Elaine Guido was appointed to replace Shelly Heitzner, Project Coordinator in the Executive Office, with an annual salary of \$77,520, effective July 6, 2010.
- II. Effective June 1, 2010, the following Brooklyn Office provisional appointments are to be made:
 - Robert Holt, Voting Machine Technician, is to replace Salvatore Barrera, Administrative Associate, receiving the salary of Mr. Barrera, for the duration of his FMLA.
 - Ameriar Feliciano, Clerk, is to replace Robert Holt, Voting Machine Technician, receiving the salary of Mr. Holt, for the duration of Mr. Barrera's FMLA.
 - Garnsey Alston, Temporary Clerk, is to replace Ameriar Feliciano, Clerk, receiving the salary of Ms. Feliciano, for the duration of Mr. Barrera's FMLA.

It was noted that Commissioner Dent was in favor of securing Robert Holt's opportunity to receive the salary of Sal Barrera while he was on FMLA, but abstained to the rest of individuals.

- III. Xavier Milligan, Senior VMT in the Manhattan VMF, is to receive Benjamin Acevedo's salary as Administrative Assistant, effective when Mr. Acevedo's LWOP began.
- IV. The Commissioners authorized the retention of Michael Sternlieb as a Trainer's Assistant to be assigned to the EDO Unit in the Executive Office, effective June 30, 2010 through the conclusion of the November election cycle.

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, July 6, 2010 at 1:30 P.M.