

THE MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, AUGUST 24, 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, Executive Director
Dawn Sandow, Deputy Executive Director
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 & Public Affairs
Daniel Lavelle, Associate Staff Analyst, Phone Bank & Communications
Troy Johnson, Coordinator, Candidate Records Unit
Matthew Graves, Administrative Associate, Candidate Records Unit
Ted Anastasiou, Law Student Summer Intern, OGC
Jeremy Fredericksen, Temporary Attorney, OGC
James Barron, Temporary Attorney, OGC

GUEST: Marjorie Shea, WCC
Alex Voetsch, NYDLC
Alan Flacks, Member of NY County Democratic Committee

Secretary Polanco called the meeting to order at 1:54 P.M.

Commissioner Soumas moved to table the minutes of the June 21, 2010 meeting. Commissioner Schacher seconded the motion, which was adopted unanimously.

Mr. Gonzalez presented the HAVA update. At the previous meeting, the Commissioners directed Executive Management to contact the Election Day Operations Unit at the State Board regarding the HAVA Transition Certification. Mr. Gonzalez, Ms. Perkins and Mr. Richman were on the conference call and expressed the concerns of the Commissioners signing the certification. The State Board understood that the county boards will not be in full State compliance, but there is a provision as long as the Board submits exhibits explaining when the tasks will be completed. The City Board is not the only county that has not signed the certification to this date. Until the State Board receives the certifications, they cannot gain access to the HAVA funds. Secretary Polanco inquired when Mr. Gonzalez would feel it is right for the Commissioners to sign the certification. Mr. Gonzalez recommended September 14, 2010 Primary Day. Commissioner Soumas added that the Board will not issue the certification until they may truthfully state the certification. The Commissioners agreed.

Mr. Gonzalez summarized the status for scanners as of August 24, 2010. A copy of the report is in the agenda.

Mr. Gonzalez reported on the meeting with representatives of NAZTEC which was held last Friday. The meeting concerned the delivery of the Privacy Booths for Brooklyn and Queens. Executive Staff explained to NAZTEC that it is unacceptable that those Borough Offices have not received the booths to this date since there is a tight timeframe. NAZTEC expressed that they have vamped up their operations and are working 24 hours a day and 7 days a week to produce the Privacy Booths. They stated that they will deliver the Privacy Booths to the respective Borough Offices as the trucks are filled.

Secretary Polanco noted that Commissioners Ryan and Sipp have joined the meeting.

Ms. Sandow stated that NAZTEC hired fifteen (15) additional employees and extra truckers. The deliveries will be simultaneous for Brooklyn and Queens. In addition, NAZTEC will be sending daily updates to the Board.

Mr. Gonzalez reported that Douglas Kellner, Co-Chair of the State Board, contacted him concerning the usage of the revised affidavit ballot envelopes that the State Board promulgated in June 2010. Mr. Gonzalez explained to him that the Board was not planning on using the revised affidavit envelopes for the Primary Election. The Board received the draft envelopes in July and Mr. Gonzalez inquired if they were pre-cleared, but he has not received an answer from the State Board to this date. Also, there was a concern if the affidavit envelopes will be translated into the four (4) required languages. Mr. Richman stated that that statute required the State Board to promulgate an envelope with the information required on it. He stated that he does not know if the State Board submitted the envelope for pre-clearance. Secretary Polanco asked Mr. Richman to research that matter. Commissioner Soumas suggested asking Corporation Counsel to contact the Department of Justice to see if the use of the envelope requires pre-clearance. Mr. Gonzalez stated that the Board is planning to use the envelopes for the 2010 General Election. The envelopes have been translated by the Board's Translators and are being produced.

Mr. Gonzalez reported that last Thursday there was an issue concerning the 60th A.D. Democratic Party absentee ballots. When the Board discovered that a mistake had been made, Executive Management

immediately contacted the Executive Committee. They authorized the staff in the Brooklyn Borough Office to stop mailing the absentee ballots. It was indicated that 116 incorrect ballots had already been mailed. The Executive Committee also directed to reprint the ballots listing the correct race. Also, they directed staff to mail a letter to the recipients advising them of the incorrect ballot with the new ballot attached. The ballots were mailed out the next day. The Board will count the second ballot received. Secretary Polanco moved for the full Board to ratify the decision of the Executive Committee. President Dent seconded the motion, which was adopted unanimously.

Mr. Johnson reported on the “Notice to All Candidates” letter. He distributed copies of the letter to the Commissioners. Mr. Johnson requested approval of the letter which concerns the pre-election testing and inspection of the paper ballots and poll site voting systems. Commissioner Umane moved to adopt the “Notice to All Candidates” letter. President Dent seconded the motion, which was adopted unanimously.

Ms. Vazquez-Rivera presented the public education update. Mr. Lavelle distributed copies of the “NYC HAVA Media Buy Recommendation” and “Public Demonstrations to Date” reports to the

Commissioners. Ms. Vazquez-Rivera explained the Media Buy and requested for approval from the Commissioners. Commissioner Umane advised for the Board's advertisements to be aired during Prime Time hours. Commissioner Barrera recommended placing advertisements on radio stations that will target the youth. Commissioner Stupp stated that she greatly supports the online advertisement banners. Secretary Polanco moved to approve the Media Buy and to add additional radio stations. Commissioner Barrera seconded the motion, which was adopted unanimously.

Ms. Vazquez-Rivera reported that the Board has conducted 176 public demonstrations with 10,601 participants to this date. There are 270 scheduled demonstrations. The Board's Public Education website has had 2,897 unique hits to this date. Ms. Vazquez-Rivera reported that there will be a public demonstration tomorrow before the New York City Council. The demonstration will be open house style.

Ms. Vazquez-Rivera reported that the Board had their first Editorial Board meeting with the Staten Island Advance. She was joined by Commissioners Ryan and Sipp, Mr. Lavelle, and Mr. Thompson. Ms. Vazquez-Rivera stated that they had a hands-on demonstration of the

new poll site voting system and the Commissioners provided fantastic feedback. Commissioner Sipp thanked the team for their excellent job.

Mr. Owens and Ms. Delayo requested authorization to administer oaths pursuant to § 3-128 (2) of the New York State Election Law. Mr. Owens distributed copies of a memorandum to the Commissioners. The purpose is to administer oaths for the Board's disciplinary hearings, oaths to the office and administrative inquiries. Commissioner Soumas opposed stating that it could create conflict. Commissioner Umane stated that understands Commissioner Soumas' opposition, but he feels that it is more an administration function. It was indicated that the Court Reporters usually administer the oaths at the hearings. In the case that it could be an issue, then the oaths should be administered by the Court Reporter or someone else. Commissioner Umane moved to authorize Mr. Owens' and Ms. Delayo's request and to use it with good judgment. Commissioner Barrera seconded the motion, with Commissioner Soumas opposing. The motion was adopted.

Mr. Ward presented the Comparative Expenditures report dated August 24, 2010. A copy of the report is in the agenda.

Mr. Richman requested for the President and Secretary to designate a Cover Sheet Review Committee to be held after the meeting.

Commissioner Barrera moved to convene an Executive Session to discuss personnel and litigation matters. President Dent seconded the motion, which was adopted unanimously.

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

Secretary Polanco moved to adjourn the meeting. Commissioner Schacher seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, August 31, 2010 at 1:30 P.M.