

THE MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, OCTOBER 5, 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, Sipp, Schacher, 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  
Ryan Deahn, Administrative Assistant, Candidate Records Unit  
Shawn Boyd, Administrative Associate, Candidate Records Unit  
James Barron, Temporary Attorney, OGC  
Adam Dolce, Temporary Attorney, OGC  
Anthony Andriulli, Deputy Chief Clerk, Staten Island Borough Office  
Lisa Sattie, Administrative Associate, Staten Island Borough Office  
Diane Rudiano, Chief Clerk, Brooklyn Borough Office  
Maryrose Sattie, Deputy Chief Clerk, Brooklyn Borough Office  
Katherine James, Deputy Chief Clerk, Queens Borough Office  
Robert Pataky, Administrative Associate, Queens Borough Office  
Anna Torres, Deputy Chief Clerk, Bronx Borough Office  
Anthony Ribustello, Deputy Chief Clerk, Bronx Borough Office  
Gregory Lehman, Chief Clerk, Manhattan Borough Office  
Timothy Gay, Deputy Chief Clerk, Manhattan Borough Office  
Charles S. Webb, III, Counsel to the Commissioners

Steven B. Denkberg, Counsel to the Commissioners

GUEST: Assembly Member Joan L. Millman  
Assembly Member Brian Kavanagh  
Alan Flacks, Member of NY County Democratic Committee  
Shuang Czu  
Stewart Armstrong, VAC  
Caryn Schreiber  
Joe Sanfilippo  
Matthew Gewolb, NYCC  
Marjorie Shea, WCC  
Teresa Hommel, wheresthepaper.org  
Alexander Dillon, DOI  
Mark Langer  
Jay Wishner  
Marianito Mabotas Jr., NYDLC  
M. Sattinger, NYC CFB  
Gio Patterson, NYC DOI  
Katie Brent, OSC  
Vittor Babb  
Mark B. Herman  
Kate Doran, LWV  
Jerome Koenig  
Brad Ruggieri  
Joseph Garber  
Matt Gewolb, NYCC

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President Dent called the meeting to order at 1:55 P.M.

President Dent announced that there will be a meeting of the Board of Canvassers in the City of New York to certify the results of the Primary Elections held on September 14, 2010.

The General Counsel called upon the Chief and Deputy Chief Clerks

for each of the five (5) boroughs to present the Statement and Return of Canvass for various contests of the September 14, 2010 Primary Election for certification.

Ms. Rudiano, Chief Clerk, and Ms. Sattie, Deputy Chief Clerk, requested that the Board of Canvassers certify the Statement and Return of Canvass for various contests in Kings County. There were reported discrepancies which were explained and did not affect the outcome of the election results. Secretary Dent moved to certify the Statement and Return of Canvass for various contests in Kings County. Commissioner Schacher seconded the motion, with Commissioner Ryan abstaining. The motion was adopted.

President Dent noted that Commissioner Ryan has joined the meeting.

President Dent and Commissioner Schacher thanked the Brooklyn Borough Office for their hard work.

President Dent acknowledged and welcomed Assembly Member Joan Millman.

Ms. James, Deputy Chief Clerk, and Mr. Pataky, Administrative Associate, on behalf of Barbara Conacchio, Chief Clerk, requested that the Board of Canvassers certify the Statement and Return of Canvass for various contests in Queens County. There were reported discrepancies which were explained and did not affect the outcome of the election results. Commissioner Araujo moved to certify the Statement and Return of Canvass for various contests in Queens County. Commissioner Stupp seconded the motion, which was adopted unanimously.

Commissioners Stupp and Araujo thanked the Queens Borough Office for their hard work.

President Dent acknowledged and welcomed Assembly Member Brian Kavanagh.

Mr. Andriulli, Deputy Chief Clerk, and Ms. Sattie, Administrative Associate, on behalf of Sheila DelGiorno, Chief Clerk, presented the Statement and Return of Canvass for various contests in Richmond County. There were no reported discrepancies. Commissioner Sipp moved to certify the Statement and Return of Canvass for various contests in Richmond County. Commissioner Ryan seconded the motion, which

was adopted unanimously.

Commissioners Ryan and Sipp thanked the Staten Island Borough Office.

Ms. Torres, Deputy Chief Clerk, and Mr. Ribustello, Deputy Chief Clerk, requested that the Board of Canvassers certify the Statement and Return of Canvass for various contests in Bronx County. There were reported discrepancies which were explained and did not affect the outcome of the election results. Commissioner Barrera moved to certify the Statement and Return of Canvass for various contests in Bronx County. Secretary Polanco seconded the motion, which was adopted unanimously.

Commissioners Barrera and Polanco thanked the Bronx Borough Office.

Commissioner Umane moved to authorize the use of the Commissioners' signature stamps as appropriate on each Statement and Return of Canvass. Commissioner Schacher seconded the motion, which was adopted unanimously.

President Dent designated Commissioner Soumas to serve as the second Democratic Member of the Board of Canvassers on the Statements and Returns of Canvass for Brooklyn and the citywide offices.

Secretary Polanco designated Commissioner Umane to serve as the second Republican Member of the Board of Canvassers for the Statements and Returns of Canvass for the Bronx and the citywide offices.

Secretary Polanco moved to adjourn the meeting of the Board of Canvassers and convene the stated meeting of the Board of Elections. President Dent seconded the motion, which was adopted unanimously.

Commissioner Schacher moved to table the minutes of the July 20, 2010 meeting. Commissioner Umane seconded the motion, which was adopted unanimously.

President Dent reported on her prepared remarks for the New York City Council Committee on Governmental Operations Hearing which was held on October 4, 2010. A copy of her report is in the agenda. President Dent thanked the Commissioners who attended and supported the Executive Staff who worked very hard to implement the new voting system.

She stated that the Board has learned from the concerns reported at the poll sites. The staff has listened to the poll workers and elected officials so the Board does not disenfranchise the 4.6 million voters of New York City. President Dent noted that Secretary Polanco, Commissioners Stupp and Schacher attended the hearings. She stated that it is very important for the Commissioners to attend the hearings.

Commissioner Schacher reported that the Board received a surge of anger at the NYC Council Committee on Governmental Operations Hearing yesterday which was completely unnecessary. She stated that Mr. Gonzalez tried to answer their concerns, but was not given the opportunity to finish his statements. Commissioner Schacher was completely appalled.

Mr. Gonzalez reported that he was not given the opportunity to defend the actions that the Board took concerning the issues that were reported in the media and to the Board on Primary Day. He stated that he submitted copies of 2010 Primary Day documentation to the NYC Council Committee on Governmental Operations and then he read the testimony into the record. The Speaker bombarded him with questions, but she did not give him the courtesy or professionalism to properly answer the

questions. He stated that the Speaker made her statement and comments then left the hearing. The Committee had questions, but the way they were posed were more so attacking the Board rather than to answer them properly. The Committee questioned why Mr. Gonzalez informed the Department of Education (DOE) that the custodians are to report at 5:00 A.M. the night before the election. He replied that he sent an email to the DOE in April 2010 and other occasions notifying them that the facilities need to be open at 5:00 A.M. on Election Day. Mr. Gonzalez requested authorization to send the Speaker and the NYC Council Committee on Governmental Operations copies of the DOE emails to reflect that he notified them in a timely fashion. Commissioner Soumas moved to approve Mr. Gonzalez's request. Commissioner Umame seconded the motion, which was adopted unanimously. Mr. Gonzalez reported that the Committee questioned why the Police Officers did not report to their poll sites at 5:00 A.M. and claimed that the Board was unprepared coordinating efforts with the NYPD. Mr. Gonzalez explained that Executive Management had numerous meetings with the NYPD concerning obligations for the 2010 Primary Election. Mr. Gonzalez stated that he has had great relationships with the representatives of DOE and NYPD, but they did not call or provide him with a copy of the letter that they distributed to the media. For the future, he will document all matters with any entity

the Board needs assistance with for future elections. Secretary Polanco stated that there are three (3) themes that he noticed when the Board attends the hearings which are data, retraining and disclosure. He asked if a Board employee could be solely responsible for compiling statistical data for the purpose of Executive Management. Mr. Richman stated that the issue is compiling data from more than 30,000 poll workers; inadequate information coming in produces inadequate analysis. Secretary Polanco asked if the Board can create a full time position for institutional research. Mr. Richman stated that under the budget the Board has funding for 319 full time positions, but there are 351 positions. The Board cannot increase the amount once the budget is adopted. President Dent suggested using college interns to go to the poll sites in order to meet these analytical needs.

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

Commissioner Umane stated that traditionally poll sites sometimes opened 5 minutes early or late, but the importance of that data was never manifested until there is a perception that there is a problem. People then look for empirical evidence if there was or was not a problem. Commissioner Umane stated that the Board recognizes that it did not have

a 100% foolproof election and are looking to try to do better. The notion that it will be helpful to compile the data for the opening of the poll site loses sight of the real goal. It was the first time using the new machinery. He stated that the Board should be concerned with the numbers on the election and not the data. Commissioner Umame added that the Board has traditionally objected to the Mayor's Management Report because it is a non-mayoral agency. The Board can provide information independently and produces an annual report. In addition, all information is on the Board's website. Commissioner Umame stated that in the past there were a small percentage of poll sites that opened late, so it does relate to the new voting system. He stated that the Primary Election was not perfect, but the Board did a great job. Since the election, Board staff has continued to work twelve (12) hours per day, seven (7) days a week, on the certification, 3% audit and the Senate audit. Commissioner Umame added that some of the people who criticized the Board did not even vote. He recommended for those people to visit the poll sites, public demonstrations and poll worker training classes before they start criticizing the Board. Commissioner Schacher strongly stated that the Board conducts the elections - not collect statistics. Commissioner Soumas stated that if the Board starts compiling data now it will help the Board in preparing the upcoming elections. Commissioner Ryan stated that collecting the data

and creating a system will help educate the public. The Board cannot continue to wage a war of words with the elected officials. Commissioner Ryan stated that the overreaction is due to an anxiousness of the new machines because they seem to be uncertain.

President Dent recognized Jay Wishtaker, a member of the public.

President Dent noted that Ms. Vazquez-Rivera has to attend a public demonstration so she will move to her item.

Ms. Vazquez-Rivera reported that there have been 434 public demonstrations with 27,772 participants to this date. There are 149 demonstrations scheduled.

Ms. Vazquez-Rivera reported on the advertising update. To this date, there has been advertising in over 90 newspapers with a circulation of 13.89 million, 303 radio spots, 515 television spots, 2,500 subway interior car cards, 520 2-sheet subway posters, 1,000 bus interiors, 320 bus exteriors, 115 cards on the Staten Island Ferry, and 972 Staten Island Railway (SIR) interior car cards. Ms. Vazquez-Rivera reported the Board received numerous no cost advertisements such as 1,400 MetroCard

vending machines and 13,237 NYC cabs that ran the Board's PSA which reached about 700,000 riders daily.

Ms. Vazquez-Rivera reported on the public education website analytics. The traffic has increased since last week and the most popular pages are using the new voting system and the demo schedule. The Chinese and Korean pages had the same amount of traffic as the English pages.

Ms. Vazquez-Rivera reported that Willie Colon, a Latin music legend, offered to record a 30 second PSA at no cost. He will record the PSA in English and Spanish in his home studio using the Board's content. She will pitch it to various music stations. Ms. Vazquez-Rivera asked for approval from the Commissioners. Secretary Polanco moved to authorize Ms. Vazquez-Rivera to reach out to Willie Colon. Commissioner Barrera seconded the motion, which was adopted unanimously.

Ms. Vazquez-Rivera reported that she distributed letters to every NYC Public Library requesting to hang posters and distribute flyers at their branches.

Ms. Vazquez-Rivera reported on polling results from Burson Marsteller who conducted post Primary Day analysis from September 23, 2010 through October 3, 2010. There were 579 phone interviews. Ms. Vazquez-Rivera summarized the results for the Commissioners. She noted that the respondents were most concerned with voter privacy which will be incorporated in the Public Education Campaign. Ms. Vazquez-Rivera presented a mock-up of a dedicated mailer that will be sent to all registered voters by October 15, 2010. The mailer specifically addresses voter privacy informing them of the privacy booth, privacy sleeve and inserting their ballot face down. Ms. Vazquez-Rivera stated that she will have a finalized report by the end of the week. President Dent inquired about the duties and responsibilities of Burson Marsteller (BM) to the Board. Ms. Vazquez-Rivera stated that BM has been working with the Board since 2005, the overall contract is for \$6.7 million, and they encompass all aspects of public education including the \$2.5 million media buy and the procurement and wrapping of public outreach trucks. BM created and designed the website designed solely for public education and collateral materials. President Dent inquired about the Board's Annual Report. Ms. Vazquez-Rivera stated that the report is at Vanguard printers and it should be printed within the next two (2) weeks. Ms. Vazquez-Rivera stated that the voter feedback poll will help the Public Education Campaign

to move forward and the cost is 1.4% of the overall budget which was already included. Commissioner Ryan confirmed that it was not a public opinion poll. It was a poll to ensure that the Board reaches out directly to the public. Commissioner Ryan noted that in some areas in Staten Island it seemed that the poll workers were too hands on. He stated that he was not appointed as Commissioner when the Board made the new system selection and inquired if there was any thought of purchasing curtains that could be placed in front of the scanners. He questioned if the City Council would provide funding for curtains. Mr. Richman stated that there is a privacy hood that protects the sides. Ms. Sandow stated that the Board received a curtain sample last week. Commissioner Ryan stated that the Commissioners will view it after the meeting.

On behalf of Mr. Johnson, Mr. Deahn reported on a CRU Prima Facia Matter concerning the 28<sup>th</sup> City Council Special Election in Queens County. A copy of the material is in the agenda. After proofing all documents relating to the 28<sup>th</sup> City Council Special Election, CRU has determined that they have found one last Prima Facia issue remaining for the Commissioners' consideration. Mr. Deahn stated that Victor Babb, Unity & Security Party, failed to file a Certificate of Acceptance. It should have been placed on last week's report, but was left off in error. Mr. Babb was

notified of this matter. Mr. Richman asked for any appearances for Mr. Babb. Mr. Babb submitted a Notice of Appearance and presented his statement. After discussion, Commissioner Araujo moved to accept the CRU Prima Facie Report because the Certificate of Acceptance was not filed. Commissioner Stupp seconded the motion, which was adopted unanimously. The candidate will not appear on the ballot.

Mr. Sattie reported on the official order of the ballot for the November 2, 2010 General Election. A copy of the memorandum to the Commissioners regarding this matter is in the agenda. Mr. Sattie stated that the ballot would be listed in order of office which is the standard order that the Board has used in all past elections. He requested approval of the order from the Commissioners. Commissioner Araujo moved to approve the order as consistent to what the Board has done in past practice. Commissioner Soumas seconded the motion, which was adopted unanimously.

Mr. Sattie reported on the correct name of the candidate for Supreme Court Justice for the 1<sup>st</sup> Judicial District to appear on the ballot. A copy of the memorandum regarding this matter is in the agenda. Mr. Sattie explained that a Certificate of Nomination from the Democratic Judicial

Convention for the First Judicial District for Jeffery K. Oing was filed on September 27, 2010. On September 23, 2010, the certified Minutes, Convention Rules, and Certificates of Acceptance for all three (3) candidates nominated by the Democratic Judicial Convention for the First Judicial District candidates for Justice of the Supreme Court in New York County were filed. Included therein was the Certificate of Acceptance for Jeffrey K. Oing. Mr. Sattie checked the Board's records and there is one (1) Jeffrey K. Oing registered at the address listed on both the Certificates of Nomination and Acceptance; no Jeffery K. Oing is registered anywhere in the City of New York. It appears that the Certificate of Nomination contains a typographical error in the spelling of the candidate's first name. Mr. Sattie asked the Commissioners for approval to change the spelling of the candidate's name in question to Jeffrey K. Oing (as it appears on the Certificate of Acceptance) in the S-Elect system and print all ballots for the 2010 General Election with the correct spelling. Commissioner Araujo moved to approve Mr. Sattie's request. Commissioner Soumas seconded the motion, which was adopted unanimously.

Mr. Sattie reported on the ballot layout for the 28<sup>th</sup> City Council Special Election, Queens County, to be run on November 2, 2010, the day

of the General Election. Mr. Sattie distributed two (2) sample test ballots to the Commissioners. He explained that one sample ballot is a single page which contains the entire General Election ballot and below it the Special Election ballot. The other sample ballot is two (2) pages which has the General Election ballot on one (1) page and the Special Election ballot on a separate sheet. Using this scenario, all voters in the 28<sup>th</sup> Council District would receive two (2) ballots. Commissioner Araujo inquired if the Board has used the single page ballot with the Special Election on the bottom in the past and with respect the lever machines. Mr. Sattie replied yes, in the 2002 General Election a Special Election for Member of the City Council appeared on a single-face ballot below the General Election ballot. Commissioner Araujo moved to approve the single page ballot based on the Board's past practice, cost effectiveness, and minimizing poll worker and voter confusion. Commissioner Stupp seconded the motion, which was adopted unanimously.

Commissioner Umane inquired if the Commissioners chose the two (2) page ballot if separate scanners would be needed. Mr. Sattie replied that it would be the same scanners. Commissioner Araujo added that he was concerned that voters would insert two (2) ballots into the scanner at the same time which would cause a paper jam.

Mr. Ward presented the Comparative Expenditures dated October 5, 2010. A copy of the report is in the agenda.

Mr. Ward presented the PS Periodic Report. A copy of the report is in the agenda.

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

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

President Dent invited Assembly Members Millman and Kavanagh to speak before the Board.

Assembly Member Joan Millman discussed the Poll Worker Initiative Program which is held at various CUNY campuses. She reported that she called the people in charge of the program, but they had no knowledge it. Hon. Millman spoke with a representative from Brooklyn College who had knowledge and explained that they register young people to vote and encourage them to work as Inspectors on Election Day. Brooklyn College recruited approximately 60 people, but only 30 were used on Primary Day. The representative sent the list to the Brooklyn Borough Office, but there

was no main contact person to follow up with. Hon. Millman requested to work closely with the Chief Clerks and the Commissioners with this list of names and to encourage young people to work as Inspectors in the future. She stated there are 133 E.D.s in her Assembly District and she was never able to have enough people to staff those positions. On behalf of the Commissioners, Commissioner Umane thanked Assembly Member Millman for her insight on this issue. He reported that the Board has a big program involving outreach in the public and private colleges in New York City to recruit additional poll workers. The students are technically savvy which would help with the new computer scanners. Commissioner Umane noted that the Commissioners will re-double the Board's efforts. Hon. Millman stated that she has provided the list of names to her colleagues that represent the City; the Assembly and Senate Members. President Dent stated that Brooklyn College has always been very receptive to the Board and thinks that is why they are so informed. The Board has used their facilities to hold the poll worker training classes and to meet with the public. President Dent stated that Ms. Vazquez-Rivera is meeting with the Vice Chancellor of CUNY to address these issues today. President Dent thanked Assembly Member Millman for always being there for the Board and for suggesting great ideas.

Assembly Member Brian Kavanagh stated that he chairs the Assembly Subcommittee on Election Day Operations and Voter Disenfranchisement. He reviewed the implementation of the new machines and process in New York State. Hon. Kavanagh stated that he met with NYS Election Commissioners last year concerning the Pilot Program recognizing that a new system is difficult to implement. He noted that the Members provide assistance to the Board. They review the statutes to see if they could make them more suitable for the Board's work and answer a lot of public questions. Hon. Kavanagh stated that it was his first Board meeting and shared an admiration for the open forum with various people. He discussed the value of data and noted that he spent several years writing and editing parts of the Mayor's Management Report. He stated that he thinks that the Board will benefit substantially and encourages the Board to submit data. The Commissioners thanked Hon. Kavanagh for speaking.

Mr. Gonzalez recalled that he sent a letter last week to the State Board concerning the Board's proposed testing procedures for the Comprehensive Test Deck. He has not heard back from the State Board to this date. President Dent asked if it would help expedite the request if the Commissioners sent a letter as well. Mr. Gonzalez replied yes.

Commissioner Soumas recalled that Assembly Member Kavanagh mentioned the 2009 Pilot Program. Commissioner Soumas stated that he has been reading a lot about it, but it has been wrong. He stated that it would have been illegal for the City Board, or any board in New York State, to spend any public funds on any voting system that has not been certified by the State Board for use. It would have been illegal to purchase any voting system that was used in the Pilot Program. Commissioner Soumas clarified that the statement about the Board missing an opportunity by failing to participate in the Pilot Program is 100% wrong.

Commissioner Umane moved to reconvene the Board of Canvassers in the City of New York to certify the results of the Primary Elections held on September 14, 2010 in New York County. President Dent seconded the motion, which was adopted unanimously.

Mr. Lehman, Chief Clerk, and Mr. Gay, Deputy Chief Clerk, requested that the Board of Canvassers certify the Statement and Return of Canvass for various contests in New York County. There were reported discrepancies which were explained and did not affect the outcome of the election results. Commissioner Umane moved to certify the Statement and Return of Canvass for various contests in New York County.

Commissioner Soumas seconded the motion, which was adopted unanimously.

President Dent opened the floor for brief comments from Maryrose Sattie, Deputy Chief Clerk of the Brooklyn Borough Office.

Ms. Sattie asked the Commissioners to help expedite the Comprehensive Test Deck procedures because they were very difficult and lengthy to complete. She noted that the General Election is approaching soon.

Secretary Polanco moved to convene an Executive Session to discuss personnel matters. President Dent seconded the motion, which was adopted unanimously.

Following the Executive Session, the open public meeting resumed and President Dent reported on the action taken in Executive Session:

- I. In a vote of seven (7) in favor (Ryan, Sipp, Dent, Polanco, Soumas, Barrera, Araujo), two (2) opposed (Stupp and Umane), and one (1) abstention (Schacher), the Commissioners authorized Luz Ortega, Administrative Assistant

in the Staten Island Office, to be transferred to the Executive Office at an annual salary of \$50,703, effective October 12, 2010.

Commissioner Ryan 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, October 12, 2010 at 1:30 P.M.