

THE MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, OCTOBER 19, 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, 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
Valerie Vazquez-Rivera, Director, Communications & Public Affairs
Michael Sternlieb, Temporary Consultant, Election Day Operations
Tom Sattie, Ballot Coordinator, Candidate Records Unit
James Barron, Temporary Attorney, OGC
Charles S. Webb, III, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Catherine T. Gray
Jerry Koenig
C. Rachman, New York Post
Frank Lombardi, Daily News
David Seifman, New York Post
Marjorie Shea, WCC
Kate Doran, LWV
Rima McCoy, CIDNY
Jenna Adams, NYDLC
Stewart Armstrong, VAC
Neal Wright
Alan Flacks, Member of NY County Democratic Committee
JoAnne Simon, District Leader, 52nd A.D.

Jay Savino, Bronx County
Fred Brown, Bronx County

President Dent called the meeting to order at 1:30 P.M.

Commissioner Araujo requested to add an item for Executive Session.

Commissioner Stupp requested to add an item for Executive Session.

Commissioner Soumas moved to approve the minutes of the July 27, 2010 meeting, and the July 29, 2010 and July 30, 2010 hearings. President Dent seconded the motion, which was adopted unanimously.

Mr. Gonzalez presented the HAVA update. He reported on the status of the Hash Code Testing and Comprehensive Test Decks for the five (5) Borough Offices. He stated that the testing will be completed by October 25, 2010 for Richmond, New York, Bronx and Kings Counties. There was a delay with the Queens County ballots, so testing will be completed by October 28, 2010.

Mr. Gonzalez reported that he and Ms. Sandow held a meeting with representatives from the New York City Police Department (NYPD) yesterday. The NYPD hand-delivered a commitment letter from the Commissioner of the NYPD authorizing that the Police Officers will report to their poll sites no later than 5:00 A.M. on Election Day. The letter also indicated that the poll site key envelopes will be delivered to the Borough Command by 12:00 Noon on Monday, November 1, 2010 so that they can be distributed in a timely fashion to the respective police precincts. Commissioner Araujo inquired if the Board has received a commitment from the Department of Education (DOE) authorizing their custodians to report to their poll site no later than 5:00 A.M. on Election Day. Mr. Gonzalez stated that the DOE has sent notification to all public school custodians advising them that the poll site must be open at 5:00 A.M. Prior to every election, Mr. Gonzalez will send the custodians/facilities managers a Poll Site Preparation Notice with all pertinent information for Election Day activities.

President Dent recognized Catherine Gray, a member of the public.

Mr. Gonzalez informed the Commissioners that he received a letter from Election Protection requesting for their volunteers to assist in the

Board's Phone Bank and poll sites throughout New York City on Election Day. Mr. Gonzalez recalled that the Board has respectively denied their first request. Commissioner Umame stated that Election Protection can report any information or questions to the Board on Election Day via telephone as the other groups do. It was agreed that the same policy regarding the good government groups applies to Election Protection.

President Dent noted that Commissioner Ryan has joined the meeting.

Mr. Gonzalez reported that he received an email from the Office of the State Comptroller today. A copy of the email is in the agenda. The email contains the Board's Voting-Related Problems September 2010 Primary Election final report. Mr. Gonzalez reviewed the recommendations with the Commissioners and discussed what steps the Board has taken to incorporate the recommendations. Ms. Sandow informed the Commissioners that all poll workers who did not take the mandated training class or failed the exam were removed from the Board's system. The poll workers were sent a notice to take the exam. A public notice was posted on the Board's website indicating that if any poll worker shows up to their assigned poll site on Election Day without the Board's authority will not get

paid. Mr. Gonzalez added that the Board has ninety (90) days to respond to the audit.

President Dent recognized Kate Doran, a member of the public.

Mr. Gonzalez reported on the UOCAVA Consent Decree (Uniformed and Overseas Citizen Absentee Voting Act.) He stated that he received the Court Order regarding the military and federal ballots on Friday. A number of counties failed to send the military and federal ballots on time, therefore violating both Federal and State Law. The State agreed to allow military and federal ballots that are timely postmarked to receive an extra nine (9) days until November 24, 2010. The Board was directed to review all current applications on file for either a fax number or email address to send notice to the voters that their ballots are available. There were 22,611, out of 32,000, military and federal voters that provided a fax number or email address. The information was given to an outside vendor to enter the data into the system and it was covered in all four (4) languages. President Dent thanked the Board staff for working so hard to ensure that the information reaches the troops in a timely fashion.

Ms. Vazquez-Rivera presented the public education update. She reported that the Board has conducted 506 public demonstrations with 26,657 participants to this date. There is a new instructional video on the Public Education website which is the most popular page. The CUNY website has been the main website regarding the Board's Poll Worker Recruitment, Training Sites, FaceBook page and Public Outreach links. Ms. Vazquez-Rivera reported that there was a press release regarding the second dedicated mailer to all registered voters. She thanked Citizens Union, CIDNY, League of Women Voters, and Women's City Club for providing positive quotes for the press release.

Mr. Richman reported on the legal advertisement. He stated that there are two (2) City Charter public questions on the ballot. The statute requires any State constitutional or ballot questions to be included in the ad. Ms. Vazquez-Rivera requested approval from the Commissioners to add two (2) ballot questions to the Board's half-page legal advertisement. There would be no additional cost to add the questions. Commissioner Umane moved to add the two (2) City Charter public questions in the Board's legal advertisement. President Dent seconded the motion, which was adopted unanimously. Ms. Vazquez-Rivera stated that she will have Mr. Richman review the Board's legal ad before it goes to print.

President Dent recognized Alan Jennings, a candidate in the 2010 Special Election. Mr. Jennings expressed his concern regarding the design of the ballot for the 20th Council District. He read an article in the New York Post today which featured a photograph of the ballot. Mr. Jennings stated that a candidate who submitted his petitions after him was positioned before his name on the ballot. Commissioner Araujo requested staff from the Candidate Records Unit to review this matter. Mr. Jennings also questioned why candidate Ruben Wills' name is not appearing in the first column on the ballot, but is placed in the second column. He stated that it is a non-partisan race. Commissioner Umane stated that the Board has made a tragic error. He stated that the Commissioners voted to have a single ballot with a space between the General and Special Elections on the ballot. Commissioner Stupp indicated that the absentee ballots were printed the same way the Commissioners voted on October 5, 2010 with the correct columns, but the poll site ballot was not correct. Mr. Sattie clarified that the absentee ballots were ordered on October 5, 2010 and the affidavit and poll site ballots were ordered last Friday. He believed that is when the decision was made to change the order of the ballot in the Special Election. Commissioner Umane inquired about what decision. Mr. Sattie replied that he was not here. He stated that as done in the past, he followed the order of the petition ledger. Mr. Sattie stated that he heard

about this issue this morning of the possibility that Mr. Jennings was the third person filed and saw how the candidates appeared on the ledger. He clarified that Mr. Jennings did file first in this matter and he should have the third spot on the ballot. After discussion and review, Commissioner Umane moved for the Board to reprint the ballots starting under Column A and moving across the ballot as done in the past, and switching Mr. Jennings' name to the third position and the candidate who was in the third position to be switched to the fourth position. Commissioner Soumas seconded the motion, which was adopted unanimously.

Mr. Sternlieb presented the Poll Worker Exception Reports for Brooklyn, Queens and Staten Island. He stated that the Manhattan and Bronx Offices are still working on their reports. Commissioner Araujo moved to adopt the Poll Worker Exception Reports for Brooklyn, Queens and Staten Island. Commissioner Stupp seconded the motion, which was adopted unanimously.

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

In Mr. Ward's absence, Mr. Richman reported on the Comparative Expenditures report dated October 19, 2010. A copy of the report is in the agenda.

Commissioner Stupp reported that a Republican candidate's name is missing on the absentee ballots for the 38th Assembly District, Queens County, and should be corrected. She explained that the candidate won the Conservative Primary through the OTB process. The candidate was notified by the Board via First Class mail that she had five (5) days to accept or decline the nomination. Commissioner Stupp suggested for the Board to correct the ballot in the 38th A.D. to reflect the candidate who won the Conservative race. Mr. Richman stated that the absentee ballots were already ordered to be printed on October 5, 2010 and he explained the policy. Commissioner Soumas stated that the Board complied with the rules. Commissioner Araujo suggested continuing with the practice as done in the past. Commissioner Stupp moved to have equal protection for all absentee voters in the 38th A.D. to correct the ballot with the candidate's name and to be printed from this date and to be distributed. Commissioner Schacher seconded the motion, with four (4) in favor and four (4) opposing. The motion was not adopted.

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

President Dent recognized Marjorie Shea, a member of the public.

Commissioner Barrera moved to convene an Executive Session. Commissioner Soumas seconded the motion, which was adopted unanimously.

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

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

The next stated meeting of the Commissioners is scheduled for Tuesday, October 26, 2010 at 1:30 P.M.