

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, FEBRUARY 15, 2011
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR COMMISSIONERS' ROOM
NEW YORK, NY 10004

PRESENT: President Juan Carlos "J.C." Polanco
 Secretary Gregory C. Soumas

Commissioners Araujo, Barrera, Dent, Ryan, Schacher, Stupp, Umame

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Dorothy Delayo, Director, Personnel
John Ward, Finance Officer
Valerie Vazquez-Rivera, Director, Communications & Public Affairs
Daniel Lavelle, Associate Staff Analyst, Phone Bank and Communications
Troy Johnson, Coordinator, Candidate Records Unit
John Wolf, Agency Vehicle Coordinator, Candidate Records Unit
Thomas Sattie, Associate Staff Analyst, Ballot Coordinator
Beth Fossella, Coordinator, Voter Registration
Anthony Ribustello, Deputy Chief Clerk, Bronx Borough Office
Charles S. Webb, III, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Jerome Keonig
 Evan Michelen, for Assemblyman Kavanagh's Office
 Anna Adams, for Assemblyman Kavanagh's Office
 Kate Doran, LW
 Tim Robbins, LWV
 Marjorie Shea, Women's City Club
 Teresa Hommel, Wheresthepaper.org
 John D. Smith
 Alan Flacks, Member of NY County Democratic Committee

President Polanco called the meeting to order at 1:43 P.M.

Commissioner Stupp moved to approve the minutes of the November 30, 2010, December 7, 210 and December 14, 2010 meetings. Commissioner Dent seconded the motion, which was adopted unanimously.

Mr. Richman presented the draft of the proposed Independent Nominating Petition Rules for 2011 to the Commissioners. Copies of his memorandum and draft rules are in the agenda. Mr. Richman reported that he is submitting these rules in the reasonable belief and anticipation of Special Elections for Member of the New York State Assembly in Queens and Kings Counties being called within the upcoming weeks. He requested for the Commissioners' approval of these rules. President Polanco inquired if the Commissioners' suggestions throughout the year are incorporated in these rules. Mr. Richman replied yes. Mr. Owens added that any recommendations from the Board's Cover Sheet Review Committee are included. Commissioner Araujo inquired if there were any discussions to conduct the Special Elections on the same day. Mr. Richman reported that he spoke with a counsel from the New York State Governor's Office and they are discussing that matter with the Office

of Court Administration (OCA). He reported that the Special Elections might be held the first or second week of April prior to the Jewish Holiday.

President Polanco recognized Jerome Koenig, a member of the public, who was concerned about the rules regarding the order of the ballot. He asked if filing would not be based on the first time filing petitions, but for the order of the last volume of petitions filed. Secretary Soumas recalled that he raised that issue last year and believes that every part of the petition should be filed, not just a cover sheet. Commissioner Umane stated that it has to be a substantial filing with sufficient number of signatures. Commissioner Ryan recalled that Commissioner Umane indicated that a different filing process would create a burden in terms of the Board's review of the initial submissions. The Board would not have adequate staff. Mr. Richman stated that the Board's rule was designed for a candidate to create a facially sufficient number of signatures with the required cover sheet for ballot order. Commissioner Umane stated that the order could be done by lots. Mr. Richman stated that there is a State Board statutory formula in which the order can be selected by lots by using equal size paper or a BINGO-type device which would be performed in public.

President Polanco recognized, Jerome Koenig, a member of the public, who raised concerns about the clarification of language for Rule A3 (1) and (2). He suggested that Rule A3 (1) should read, "The order of the ballot for a Special Election (held at a time other than the General Election) shall be determined for Independent Nominations by all candidates to file a cover sheet..." In addition, Mr. Koenig suggested that Rule A3 (2) should read, "The order of the ballot for a General Election shall be determined for all candidates of the same independent body for the highest office..." The Commissioners agreed with Mr. Koenig's suggestions. President Polanco requested for Mr. Richman to take note of the discussed changes for the General Election. Commissioner Araujo moved to adopt the Independent Nominating Petition Rules for 2011 for the Special Elections. Commissioner Dent seconded the motion, which was adopted unanimously.

Commissioner Barrera requested to discuss a Bronx personnel matter in Executive Session.

Commissioner Dent requested to discuss a Brooklyn personnel matter in Executive Session.

Mr. Richman requested to discuss a litigation matter in Executive Session.

President Polanco noted that there will be a Commissioners' Finance Committee report for Public Session.

The Commissioners welcomed and introduced John Luisi, the new Agency Chief Contract Officer in the Executive Office.

Mr. Johnson presented the draft vehicle procedures. He distributed copies of the procedures to the Commissioners for review. Mr. Wolf, the CRU Agency Vehicle Coordinator, reported that the Board has eight (8) vehicles and a staff of eight (8) Drivers for transportation needs. Each Borough Office has one (1) vehicle and the Executive Office has three (3) vehicles. The draft vehicle procedures describe the responsibilities and guidelines for the Agency Vehicle Coordinator and the Drivers. The rules are enforced by the City's Department of Citywide Administrative Services (DCAS) and by Board's management. Mr. Wolf requested for the Commissioners' review and approval of the draft vehicle procedures. Commissioner Soumas stated that he reviewed these procedures last week. Secretary Soumas moved adopt the vehicle procedures.

Commissioner Umane seconded the motion. Before a full vote, there was discussion. Commissioner Umane noted revisions to the procedures. He recommended for the second paragraph on Page #2 to read, "Under no circumstance may a Board Driver take an official agency vehicle home, or use such a vehicle outside of business hours." In addition, the second paragraph on Page #3 should remain as written. Commissioner Ryan stated that the draft vehicle procedures do not read as a policy. He stated that throughout the document it should read "shall," not "should," in order to be more directive. Commissioner Ryan offered to provide revisions to the staff. Secretary Soumas withdrew his previous motion. The Commissioners agreed to table this item for one (1) week for revisions. Commissioner Dent thanked Commissioner Ryan as it relates to his method of writing.

Mr. Ward presented the Comparative Expenditures report dated February 8, 2011. A copy of the report is in the agenda.

Commissioner Umane requested for Mr. Richman to advise the Governor's Counsel of the difference costs to hold two (2) Special Elections on different days, opposed to one (1) Special Election on the same day. Commissioner Umane asked Mr. Ward to research the cost estimates for

Mr. Richman.

Mr. Ward presented the Vacancy Report dated February 15, 2011. A copy of the report is in the agenda.

President Polanco asked Mr. Ward if all poll workers are paid to this date. Mr. Ward reported that approximately 70 poll workers are remaining to be paid out of 70,000 poll workers that were entered into the payroll system.

President Polanco reported that there was a Commissioners' Finance Committee Meeting prior to the regular stated meeting. He asked Mr. Richman to present a summary report of the actions so the full Board can ratify the decisions. Mr. Richman reported that the Commissioners' Finance Committee discussed First Class Car and Limousine Service for Election Day services. The Committee reviewed and unanimously approved the agreement reached by Executive Management and ES&S dated February 11, 2011 which provides for reimbursement by ES&S of car service costs incurred by the Board on their behalf in 2010 (by direct payment to First Class) and a credit for such services paid for in calendar

year 2008 against future services to be provided by ES&S for the Board during 2011.

Mr. Richman reported that the Committee reviewed and unanimously approved the Memorandum of Understanding (MOU) between the Board and First Class regarding the payment for services by vendors such as ES&S and the Board's outstanding obligations to First Class. A copy of the MOU was distributed to the Committee.

President Polanco moved for the full Board to ratify the two (2) decisions of the Commissioners' Finance Committee as reported by Mr. Richman. Commissioner Dent seconded the motion, which was adopted unanimously.

Mr. Richman reported that the Committee also reviewed the request to increase the contract amount in the First Class contract (through December 31, 2012) by \$3.8 million. A copy of the statement in support prepared by Ms. Fossella was distributed to the Committee. The Committee unanimously agreed to report this request to the full Board for their consideration. President Polanco recommended for Ms. Fossella to report on this item. Ms. Fossella explained the First Class contract amount

to the full Board. Commissioner Umame reported on his past experiences with the First Class car service. He stated that each car must have a Global Positioning System (GPS) and speak the English language so there will not be travel delays on Election Day. Commissioner Umame also recommended that the car service should be paid on an hourly basis; not a zone-to zone basis. Ms. Perkins reported that English speaking drivers and a GPS is a requirement in the contract. Ms. Fossella reported that is ongoing issues that are being worked on by First Class. President Polanco recommended for the Commissioners to ask their Borough Office Chief Clerks and Deputy Chief Clerks to compile a list of Election Day car service issues, if any. Ms. Perkins reported that Executive Management and Ms. Fossella meet to review these issues with the vendor before Election Day. President Polanco and Commissioner Araujo urged the Board to continue researching alternative transportation options. Commissioner Barrera moved to ratify the decision of the Finance Committee to increase the contract amount in the First Class contract (through December 31, 2012) by \$3.8 million. Commissioner Stupp seconded the motion, with President Polanco and Commissioner Araujo abstaining. The motion was adopted.

Mr. Richman reported that the Committee reviewed the request of Thomas Sattie, Ballot Coordinator, to authorize DCAS to let the contract for future poll site paper ballots. Upon the motion of President Polanco and seconded by Commissioner Barrera, it was unanimously agreed that Board staff is authorized to request DCAS to let via complete sealed bid, the "Poll Site Paper Ballot Contract" for a four (4) year term, commencing July 1, 2012. Mr. Richman reported that Mr. Sattie distributed copies of a 33-page draft report to the Committee. President Polanco moved to ratify this decision of the Commissioners' Finance Committee. Commissioner Barrera seconded the motion. Commissioner Umane stated that he could not attend the Committee meeting today and requested to review the draft report before voting. President Polanco withdrew his motion and tabled this matter for one (1) week so all Commissioners can have the opportunity to review the draft report.

Ms. Sandow reported that she received an email from Barbara Conacchio, the Queens Borough Office Chief Clerk, concerning www.socialsecuritydeathindex.com, a website where the Board can get a print-out of a deceased person by entering a name and date of birth. Commissioner Araujo reported that he advised Ms. Conacchio of that website. He reported that the information is the same as the

Department of Vital Records. He indicated that if the person will be on the list only if they were receiving Social Security. Commissioner Araujo advised that there is way for staff to cross check with the last four (4) digits of the Social Security number and address. President Polanco stated that this website would be a great tool to remove deceased people from Voter Registration records for the purposes of redistricting. He asked Executive Management and the General Counsel research this system. Commissioner Dent thanked Commissioner Araujo for his recommendation which would be very helpful for the Board.

Ms. Sandow reported that the Commissioners received copies of the EMS Issues and Modifications Request Report. She asked the Commissioners to review it and to contact Ms. Grimaldi if they had any questions. Ms. Sandow stated that it will be an item on next week's agenda.

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

Following the Executive Session, the open public meeting resumed

and President Polanco reported on the actions taken in Executive Session:

- I. The Commissioners appointed Hector Ramirez to assume the position of Antonia Figueroa, an Associate Staff Analyst in the Executive Office, effective March 30, 2011 or the earliest date after the time Ms. Figueroa exhausts her accrued time. The annual salary will be \$66,391.
- II. The Commissioners appointed Ralph Morales to assume the position of Evelyn Domenech, an Associate Staff Analyst in the Executive Office, with an annual salary of \$66,391, effective immediately.
- III. The Commissioners authorized the descriptions for Board technical positions (System Administrator/Program Analyst) to be posted in The Chief, New York Times and on Craigslist.com.

President Polanco adjourned the meeting.

The next stated meeting of the Commissioners is scheduled for Tuesday, February 22, 2011 at 1:30 P.M.