

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, MARCH 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, Sipp, Stupp,
Umane

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Dorothy Delayo, Director, Personnel
John Ward, Finance Officer
John Owens Jr., Director, Campaign Finance Enforcement
Valerie Vazquez-Rivera, Director, Communications and Public Affairs
Daniel Lavelle, Associate Staff Analyst, Phone Bank and Communications
John O'Grady, Chief, Voting Machine Technician
John Luisi, Agency Chief Contract Officer
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Jerome Koenig
Mark Herman
Paul Griego, Omaha, UA
Marjorie Shea, Women's City Club
Ilana Novick, Citizens Union
Kate Doran, LWV
Stewart Armstrong, CFB
John D. Smith
Rima McCoy, CIDNY
Teresa Hommel, Wheresthepaper.org

President Polanco called the meeting to order at 1:38 P.M.

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

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

Commissioner Dent moved to approve the minutes of the January 25, 2011 meeting. Commissioner Araujo seconded the motion, with Commissioner Schacher abstaining. The motion was adopted.

Ms. Perkins reported that the State Board's Annual Election Officials Conference is scheduled for April 27, 2011 through April 29, 2011. A copy of the draft program is in the agenda. Ms. Perkins reported that she received some requests from Managers and Chief Clerks who are interested in attending the conference. President Polanco moved for Executive Management, per past practice, to determine which staff members should attend the State Board's Annual Election Officials Conference. Commissioner Stupp seconded the motion, which was adopted unanimously.

Mr. Richman presented the draft 2011 Recommended Revisions in

the New York State Election Law – Part 1. He distributed copies of the draft to the Commissioners. Mr. Richman asked Mr. Owens to report on his research concerning the ballot design.

President Polanco noted that Commissioner Barrera joined the meeting.

Mr. Owens reported that the broad recommendation was to research ways to increase the usability of the layout and design of the ballot. He spoke with Mr. Sattie, the Ballot Coordinator, and he reported that there is proposed legislation offered by NYS Senator Addabbo and NYS Assembly Member Kavanagh regarding a uniform type set for all ballots.

President Polanco noted that Secretary Soumas joined the meeting.

Mr. Owens stated that he and Mr. Sattie will continue to research the proposed legislation about setting a uniform size 12 font for the ballot. Mr. Owens reported on the second issue discussed which was whether the voting instructions can be printed on an entirely separate sheet from the ballot. Mr. Owens recited Section 7-106 of the 2011 NYS Election Law which addresses that matter. He then reported on the third item discussed

which concerns the oval. He stated that Section 7-1065 (2) regards notifying the voter to fill in the oval next to, or above, to give the option of each local board to put the oval above, below, or next to, so there is no confusion. Mr. Owens stated that some voters were confused. Mr. Richman noted that some proposals have been in the Recommended Revisions report for several years. Commissioner Umame stated that the most important issue is the size of the font on the ballot. He recommended moving that item to the first item in the report. Commissioner Stupp reported that she participated in a telephone conference call with the Election Commissioners' Association (ECA) yesterday. The ECA reported that they are creating a Ballot Review Committee and that the State Board is creating the same committee as well. Commissioner Stupp hopes that the City Board's proposal coincides with their proposal. She hopes that the type can be darkened as well on the election results report. Commissioner Umame discussed proposal # 11-02 which concerns maintaining unused ballot lots or styles for two (2) years following the election. He stated that ten (10) unused ballots for each lot or style printed would serve for historical purposes rather than saving all of the unused ballots which would create a storage issue. Commissioner Umame recommended Board staff to research the storage costs for the unused ballots to support this proposal. Commissioner Umame stated that he was not in favor of

including proposal # 11-06 which relates to absentee voting in nursing homes and senior citizen residences and the additional supply of the appropriate absentee ballots. He reported that bi-partisan Board staff visit nursing homes to distribute absentee ballots which is sufficient. Commissioner Umame recommended supplementing the financial proposals so the Board can save funds. Commissioner Umame moved to adopt the Recommended Revisions to the New York State Election Law – Part 1 absent proposal #11-06. Commissioner Sipp seconded the motion, which was adopted unanimously.

Mr. Richman reported on the 2011 City Board's State Government Education and Information Day in Albany, NY. A copy of his memorandum to the Commissioners is in the agenda. Per the Commissioners' direction, Mr. Richman has had discussions with the key legislative staff members regarding the City Board's Information Day. Mr. Richman recommended Tuesday, May 10, 2011 as the City Board's preferred date. He reported that Assembly Member Joan Millman, Chair of the Assembly's Election Law Committee, has graciously agreed to host the lunch program. In addition the City Board will seek to meet with the Chairs, Counsels and key staff for Election matters for the State Senate, State Assembly, as well as the Executive Chamber to discuss the City Board's recommended revisions in

the New York State Election Law. Commissioner Schacher moved to authorize May 10, 2011 as the 2011 City Board's State Government Education and Information Day. Commissioner Stupp seconded the motion, which was adopted unanimously.

Mr. Richman reported that the Election Commissioners' Association (ECA) working group held conference calls yesterday and today. There is an agreement among the ECA as it relates to the election calendar and the Federal MOVE Act. The ECA will hold a conference call tomorrow with the State Board where they will present their unanimous recommendation.

President Polanco noted that Commissioner Ryan joined the meeting.

Mr. O'Grady presented the New York City Enhanced Privacy Curtain Options report. A copy of his report is in the agenda. Mr. O'Grady recalled that the Commissioners adopted the 2011/2012 capital budget request line at the February 1, 2011 meeting. The Privacy Enclosures for the scanners was on that list. Mr. O'Grady reviewed the three (3) models of the privacy enclosures for the Commissioners and noted that they were on display in the room. He requested for the Commissioners' questions and/or concerns so that they can vote on one (1) model at the next meeting. Commissioner

Dent stated that many voters were concerned about privacy for the Privacy Booths as well. Mr. O'Grady stated that he will research vendors for the Privacy Booths. Commissioner Ryan agreed that a big concern among the voters was privacy. He stated that the Board has to make a valid attempt to address that issue for the public. Commissioner Umane stated that the Commissioners chose the best Privacy Booths for sufficient privacy for the voters. He recommended for the poll workers to arrange the Privacy Booths back-to-back, instead of side-by-side, so it will afford sufficient privacy for the voters. He noted that it would be extravagant to add another enclosure to the Privacy Booths. He suggested for ES&S to develop a cheaper alternative for the booths. Commissioner Sipp stated that per his experience on Election Day that the enclosures are an extreme importance for both the scanner and booths. President Polanco recommended inviting the public to view these Privacy Enclosures and to gather their feedback for the Board. The Commissioners agreed to hold public demonstrations concerning the Privacy Enclosures. President Polanco moved to host a public demonstration next Tuesday, to post a public notice on the Board's website, and to have Ms. Vazquez-Rivera contact the good government groups and various organizations on her public relations list. Commissioner Dent seconded the motion. Commissioner Sipp recommended for the public to view the Privacy Enclosures throughout the

entire work week; not just on one (1) day. President Polanco withdrew his previous motion. Commissioner Sipp moved for the Board to post a public notice on the Board's website for the public display of the Privacy Enclosures, which are under consideration, during normal business hours until next Tuesday. Commissioner Barrera seconded the motion, which was adopted unanimously. Commissioner Stupp noted that she agreed with Commissioner Umane that the Privacy Booths are sufficient as long as they are arranged a certain way. Commissioner Umane encouraged the public to submit written comments to Ms. Vazquez-Rivera regarding the various Privacy Enclosures to aid in the selection at the next meeting.

Ms. Fossella presented the updated voter registration form which includes political parties which received more than 50,000 votes. A copy of the State Board's email and updated voter registration form is the agenda. Ms. Fossella asked for the Commissioners' approval of the updated form which includes the Green Party. Secretary Soumas asked if the only difference was the addition of the Green Party. Ms. Fossella replied yes. Mr. Richman stated that the form reflects the changes in political party status as mandated by statute after the certification of the gubernatorial results. Ms. Perkins stated that the City Board always had postage paid voter registration forms. The new voter registration form that was adopted

by the State Board does not include postage paid. Secretary Soumas asked if a law was enacted that changed the Board's postage paid policy. Ms. Fossella replied no. Commissioner Umame inquired if there was a change in the funding allocated for the Board's postage. He noted that the Board only pays for the postage if the form is mailed. Secretary Soumas moved to amend the City Board's voter registration form solely to the extent of adding the Green Party as requested by the law. Commissioner Schacher seconded the motion, which was adopted unanimously. Commissioner Ryan clarified that the Board is not adopting the voter registration form that is printed in the agenda because it does not include postage paid.

Mr. Richman asked the Commissioners to authorize the Board to comply with the requirement to maintain enrollment lists for all those independent bodies which placed a candidate on the ballot for governor in the most recent gubernatorial election as set forth in the third paragraph in the State Board's memorandum dated March 11, 2011. Commissioner Umame moved Mr. Richman's recommendation with an amendment to revise the Board's procedures to comply with the law and encouraged Executive Management to have the appropriate Board department facilitate the implementation of the requirement. President Polanco seconded the

motion, which was adopted unanimously. Mr. Richman reported that Mr. Ferguson plans to add "Other" in drop-down menu in the voter registration system.

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

Mr. Ward reported on the March 9, 2011 meeting concerning poll workers as employees. In attendance were Executive Management, Payroll and Election Day Operations (EDO) staff, Borough Office Chief and Deputy Chief Clerks, representatives from FISA, OPA, NYCAPS and the Corporation Counsel. The group discussed direct deposit and 1099 forms. FISA or OPA will be issuing W-2 (c) forms to the poll workers that made over \$600 and less than \$1,500. The letter "C" represents correction. Initially, FISA or OPA would deliver the mailers to the Board's EDO Department, be photocopied by staff for record, and then mailed from the Board. There would be approximately 17,000 mailers. The Commissioners and staff discussed the tracking of these W-2 (c) mailers which will be an enormous task. Ms. Sandow suggested for FISA to forward an Excel spreadsheet of the poll workers' names and addresses to the Board.

President Polanco recognized Teresa Hommel, a member of the public, who recommended for the Borough Office Chiefs to forward the Privacy Enclosures public demonstration notice to their District Leaders and Coordinators.

President Polanco moved to convene a Commissioners' Only Executive Session to discuss personnel matters. Commissioner Barrera seconded the motion, which was adopted unanimously.

Following the Executive Session, the open public meeting resumed and Secretary Soumas reported on the actions taken in Executive Session:

- I. The Commissioners unanimously granted Luanne Ali, a Clerk in the Brooklyn Borough Office, an advance of 35 hours of sick leave, effective March 22, 2011.
- II. The Commissioners unanimously granted Brenda Johnson, an Administrative Associate in the Brooklyn Borough Office, an advance of sick leave hours in the amount equaled to what she would accrue in one (1) year. It would be a total of eighty-four (84) hours.

Secretary Soumas noted that Commissioners Umane, Schacher,

Dent, Araujo, Sipp, Ryan, and Stupp were still present at the meeting. Secretary Soumas moved to repeal the provisions of the Board's Policies and Procedures authorizing an advance of up to 210 hours in sick leave, effective immediately. The Policies and Procedures of the City of New York relating to a sick leave advance and grant are adopted and Board staff is directed to make the necessary revisions in the Policies and Procedures Manual to effect the forgoing. Commissioner Araujo seconded the motion, which was adopted unanimously. It was noted that Board staff will be informed of this matter when they receive their pay checks in two (2) weeks.

Secretary Soumas 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, March 22, 2011 at 1:30 P.M.