

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, MAY 31, 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, Dent, Schacher, Sipp, Stupp, Umame

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Owens Jr., Director, Campaign Finance Enforcement
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Valerie Vazquez-Rivera, Director, Communications and Public Affairs
John Luisi, Agency Chief Contract Officer
Rosanna Rahmouni, Coordinator, Election Day Operations
Steve Thompson, HAVA Training Specialist, EDO
Rachel Knipel, Coordinator, Language Assistance Program
Steven B. Denkberg, Counsel to the Commissioners
Charles Webb III, Counsel to the Commissioners

GUEST: Bob Brehm, Co-Chair, NYS Board of Elections
Todd Valentine, Co-Chair, NYS Board of Elections
Jerome Koenig
Marjorie Shea, Women's City Club
Kate Doran, League of Women Voters
Teresa Hommel
Mark Herman
Alan Flacks, Member of NY County Democratic Committee
Rima McCoy, CIDNY
Cathy Gray
Zach Nathanson, for Assemblyman Brian Kavanaugh
John D. Smith

President Polanco called the meeting to order at 1:42 P.M.

Commissioner Araujo moved to adopt the minutes of the May 17, 2011 minutes. Commissioner Stupp seconded the motion, which was adopted unanimously.

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

Commissioner Umane requested to add an item to the agenda concerning Section 5-304 of the New York State Election Law.

Mr. Luisi reported on the proposed Car Service Contract for Poll Site Surveyors. He stated that the Board is required to survey all poll sites in the City of New York in accordance with Chapter 505 of the Laws of 2010. Board staff has been utilizing agency vehicles to transport the surveyors, however, a vehicle was not available recently and an alternate mode of transportation was researched through our existing contracts. Mr. Richman reviewed the current Election Day and After Hours Car Service Contracts and advised that neither could be used to transport Poll Site Surveyors. He advised that the Board will also continue to use agency vehicles to the

extent possible between today and December 15, 2012, which is the anticipated completion date for the surveys. The Board has five (5) election events coming up. Mr. Luisi believes this plan is viable and would be a good back-up plan in the event agency vehicles are not available. The maximum cost to allow for the transportation of Poll Site Surveyors to and from their respective sites would be approximately \$200,000 maximum. Mr. Luisi noted that there were some existing problems with the Arrow Transportation After Hours Contract for servicing the Executive Office. He asked Arrow Transportation to end service for the Executive Office and they agreed. The remainder of the contract period would be allocated to another vendor at a savings of \$2,465,000 over the remainder of the existing contract period with Arrow Transportation. Commissioner Umane inquired how much equipment the Poll Site Surveyors take with them when doing surveys and asked if they could take public transportation. Mr. Luisi responded that it is possible for the Poll Site Surveyors to use public transportation where the sites are easily accessible by mass transit, but there are certain areas that it is not available. The Poll Site Surveyors have been asked to primarily use the agency vehicles and are encouraged to use public transportation whenever possible. Commissioner Umane asked if the car service charges for waiting time while the staff surveys the sites. Mr. Luisi stated that part of the idea of

establishing this new contract is to create a more efficient contract than the two (2) existing ones. The Election Day Operations Contract primarily allows for a full day of service and the After Hours Contract provides point to point service. Mr. Luisi stated that neither is ideal for the purposes of the Poll Site Surveyors, he preferred to create a new contract specifically to blend those two or provide half-day of service. The Board generally sends out the Poll Site Surveyors in teams of two (2). And there will be four (4) surveyors in each car. The car service will drop off the first team of Poll Site Surveyors, and then go to a next site to drop off the second team. By that time, the first team may be ready to move on to their next site. The plan is essentially to keep the car service in constant motion to make it as cost effective as possible. Commissioner Schacher asked how much equipment the Poll Site Surveyors carry. Ms. Rahmouni explained that the staff carries a large digital measuring wheel and a large case with additional equipment. Mr. Luisi reported that the staff would only use the car service on a per use basis. The Poll Site Surveyors would only use the car service where sites are less accessible by mass transit. Commissioner Umame clarified that the Commissioners are not approving a specific contract yet. He stated that the Board should examine this matter further because there is a need for it. Commissioner Umame moved to authorize

the experimentation and process to start a back-up contract. Commissioner Dent seconded the motion.

President Polanco noted that Secretary Soumas joined the meeting.

Before a vote, Commissioner Araujo asked for Executive Management's position on this matter. Ms. Sandow stated that the Board does not want to use this car service every day. She added that the Board's van or mass transit should be utilized and the contract should be available in the computer's S-Drive for Executive Management to monitor, as well as the Borough Managers, and should only be used if a Poll Site is in an area where the Surveyors cannot get to by mass transit. By a vote of six (6) in favor (President Polanco, Commissioners Araujo, Dent, Schacher, Sipp, and Stupp) and one (1) abstention (Secretary Soumas), the motion was adopted.

President Polanco announced that the Co-Executive Directors of the State Board will give a presentation regarding the Statewide Database Interface for List Maintenance (NYSVoter).

Mr. Valentine and Mr. Brehm thanked the Commissioners for the opportunity to give their presentation concerning the NYSVoter web application which is a statewide voter registration list. Copies of documents were distributed to the Commissioners for review. Mr. Brehm thanked Ms. Sandow, Ms. Perkins and Mr. Ferguson for meeting with them last week to share ideas to resolve outstanding issues in order to get the system fully operational as soon as possible. Mr. Valentine explained that NYSVoter is not a voter registration system; it does not register voters. It is a compilation representing an accumulation of all the voter registration data from all counties. When NYSVoter was developed, the county boards were part of the Joint Application Development (JAD) sessions in which the City Board was involved as well. The system was designed to collect the information from the counties without changing the process that has been in existence for a long time. NYSVoter is a virtual, private network established among all of the county boards and allows a secure line of communication for the counties to transmit the voter registration information to the centralized list under HAVA. NYSVoter provides a means for the State to send messages out to the counties when a new person registered. The system detects that there may be someone with matching characteristics to another registration already in the system. It does not determine that there is a match, but a possible match. It is a message

service that shows certain events have occurred for the county boards to analyze and check if it is a duplicate, and make a determination based on that. It does not remove any of these instances from the voter registration lists; the county boards control that function. NYSVoter receives notices from the NYS Department of Health and transmits that information to all county boards. It is also used by the NYS Court system and will notify all county boards of a felony conviction.

Mr. Valentine and Mr. Brehm reviewed the copies of screen shots of the web service. Mr. Brehm explained the Voter Search page. He stated that the State Board has viewing and inquiring rights, but not processing rights. No one other than each respective county board can actually make a change to a voter registration record. He noted that some staff members will have the right to inquire or to process. He reported that Duplicate Management is assigned by someone at the City Board with administrative rights. Board employees are assigned functions that they will be able to perform similar to the AVID system. An employee who has viewing rights could also print a report, Excel file, or comma delimited file. An employee with viewing rights would have the ability to view and generate a report, but not to change a record.

President Polanco noted that Commissioner Sipp joined the meeting.

Mr. Brehm explained the Compare Duplicate Voters page. He stated that staff could compare two (2) records, the left column would represent the home county and the right column would show information that another county has on a similar named person. It would further provide all the information on each of the individuals such as the name, date of birth, date of registration, resident's address, status, whether it came through another agency such as DMV, the last four (4) digits of the social security number, if there was a previous address, and a side-by-side example of each of the voter's signatures. The two (2) boxes at the bottom of the screen noted "Mark Duplicate" and "Mark Non-Duplicate" are grayed out unless the employee has processing rights. Mr. Brehm stated that the new county lists the previous address and it matches the old county which provides more information for the employee.

Mr. Brehm explained the Duplicate Voter Recall page. A duplicate recall will appear on the page if an employee made an error.

Mr. Brehm explained the Felon Management page. He stated that an employee with inquiry rights could generate a report that comes from the

Office of Court Administration. In addition, there is a Felon Code Description box which provides the dispositions.

Mr. Brehm explained the Deceased Management page. He stated that an employee has access to the home county, the ability to print a report, and generate whether or not the name, address, and date of birth matches.

Commissioner Umame inquired if an employee in another county has the ability to cancel another county's record. Mr. Brehm replied no. He stated that an employee is assigned rights by their administrator for their county. Mr. Brehm advised that the system is a web application message delivery that interfaces with the City Board's AVID system. He stated that in a meeting last week with Ms. Sandow, Ms. Perkins and Mr. Ferguson, they discussed ways to maintain the City Board's existing quality control and escalation system that provides the bi-partisan process the City Board relies on. With the City Board Commissioner's approval, the State Board and City Board's IT staff would meet and discuss these needs from a technological standpoint. Commissioner Soumas inquired how long a pause can be in the system in order to confirm the City Board's records or to send a letter to the voter. Mr. Brehm stated that he will have to ask the

State Board's IT staff. Ms. Perkins requested for Mr. Ferguson to speak with the State Board's IT staff and to email the Commissioners with the information. Mr. Brehm reported that all of the work that every county board does throughout New York State today will be matched tonight and the respective county's inbox would be updated tomorrow with anyone that has a similar name and date of birth of someone in the City's system. The State Board will update the felon and deceased list once a month and they will check for duplicates nightly. Commissioner Dent was concerned that deceased voters were still receiving mail from the Board and their family members were very upset. This matter was indicated in the media as well. Commissioner Dent stated that the Commissioners have to determine how to clean up the voter registration list. President Polanco stated that the State Board has withheld public information from the City Board which has caused deceased people and felons to remain on the voter registration list. He stated that the Commissioners are very upset with that matter. Commissioner Soumas asked why the State Board withheld the public information. Mr. Valentine stated that it is available now on the State Board's NYSVoter system. He added that NYSVoter was designed with other counties including the City Board. Mr. Valentine stated that if the City Board wants to work towards a more integrated system then they would have to discuss it with their Commissioners. President Polanco was

concerned with NYSVoter as it pertains to the independence of the database, how the State Board's requirements match the City Board's requirements, the bi-partisan nature of the City Board, and the lack of bi-partisanship of the State Board's data entry. Mr. Richman stated that the regulations that the State Board adopted when the City Board was designing the system required that each local registration system have an electronic bi-partisan signature on each transaction. Since that time, the State Board has repealed that requirement. Mr. Richman stated that in order to transmit data to the NYSVoter system, or to receive it, there is no bi-partisan electronic signature anywhere in the system. He asked Mr. Brehm and Mr. Valentine to explain why that requirement which was originally available was deleted. Mr. Brehm reported that there is a space in NYSVoter that will allow two (2) signatures. It is in the data that can be sent to the statewide system. Mr. Brehm explained that the City Board has their bi-partisan procedure and every other county uses their own. The State Board would honor the counties procedures and work. Mr. Richman stated that he did not receive a full answer as to why the State Board repealed that each local registration system have an electronic bi-partisan signature on each transaction when designing NYSVoter. The Commissioners voted to make the necessary changes so the City Board system would comply with the State Board's rule, but the State Board has

repealed that rule and has not responded to the City Board's request to readopt the rule. Commissioner Soumas clarified that the Commissioners have a concern with a bi-partisan safeguard being imperiled by the implementation of the NYSVoter system. He stated that it appears that the State Board wants the City Board to run their county the same way as the smaller counties do.

President Polanco recognized Teresa Hommel, a member of the public, who raised concerns about the bi-partisan process.

President Polanco recognized Jerry Koenig, a member of the public, who stated that the bipartisan requirements were modified in 1996 when the legislature amended Section 5-210(8) of the NYS Election Law.

Commissioner Umane moved to authorize City Board staff to continue the dialog with the State Board's staff to work towards a prompt resolution that will clean up the City Board's voter registration records. Commissioner Dent seconded the motion, which was adopted unanimously. Commissioner Umane asked if it is possible for the City Board to access and download the deceased and felon lists to start working on it today. Mr. Brehm replied yes. Mr. Ferguson clarified that they had

the capabilities to access the lists, but at the direction of the Commissioners they were told not to use it. He stated that there are ways to get the data without going onto the database, and in 2008 they got the file. Mr. Ferguson stated that there is a lot of data backlogged in the queue for an initial batch and a certain percentage can be downloaded at a time. Commissioner Dent clarified that the Commissioners concern was bi-partisanship when purging the voter registration list. The Commissioners thanked Mr. Brehm and Mr. Valentine for presenting NYSVoter.

Ms. Rahmouni, Mr. Thompson and Ms. Knipel reported on the 2011 Poll Worker Manual changes. They provided the Commissioners with copies of the Revised 2011 Poll Worker Manual for approval. Ms. Rahmouni reported that on May 24, 2011 her staff met with the Sub-Committee of Commissioners for Election Day Operations (EDO) to discuss some of the proposed changes to the Poll Worker Manual. A copy was emailed to the Commissioners on Thursday for their review. Mr. Thompson presented the Commissioners a summary of the changes as follows:

- To improve privacy, all voters receiving an Election Day ballot will receive a Privacy Sleeve;

- The diagrams of the Poll Site layout have been updated so that Privacy Booths are situated with the voters' backs to the wall;
- Closing procedures have been modified for Election Night Results Reporting;
- The layout of the Return of Canvass has been updated to make it easier for Poll Workers to add the totals across the scanners (adding down instead of across);
- The steps for using the Return of Canvass Envelope, where Coordinators are now responsible for getting all of the Return of Canvass into one (1) envelope, the Police Return of Canvass (per poll site), and giving it to the Police Officer, have been added to the manual;
- Four (4) copies of the Special Ballot Application (one for each election – Primary, General, Special, and Presidential Primary) have been added to the back of the manual;
- The closing steps for Emergency Ballot Procedures have been added to the last page of the manual;
- The glossary has been added to the manual;
- The Green Party has been added along with the peach colored voter card wherever the references are relevant;

- Sip & Puff straws were reduce to a pack of five (5) per BMD Supply Bag instead of the current pack of ten (10) at a cost savings of \$25 million. This was changed because poll workers were not returning the extra unused, wrapped straws so there was a large loss at previous elections. In addition, the poll workers can request for more if they need to.

Commissioner Dent requested comments from the good government groups and public before the Commissioners vote on the revised 2011 Poll Worker Manual. Ms. Sandow requested to send two (2) packs of Sip & Puff straws to the poll sites that use the BMDs excessively. Commissioner Araujo stated that he is member of the Sub-Committee of Commissioners for Election Day Operations and moved to adopt the proposed changes for the 2011 Poll Worker Manual. Before a vote, the Commissioners listened to public comments.

President Polanco recognized Teresa Hommel, a member of the public, who inquired about the Poll Watcher Procedures.

President Polanco recognized Jerry Koenig, a member of the public, who explained that Section 8-500(2) of the NYS Election Law provides that

Poll Watchers may be present at the polling place at least fifteen (15) minutes before the unlocking and examination of any voting machine or ballot box at the opening of the polls.

President Polanco recognized Kate Doran, a member of the public, who spoke about the new procedure concerning the Privacy Booths.

Commissioner Araujo moved to adopt the proposed changes to the 2011 Poll Workers Manual with an amendment that the Poll Watcher rights will reflect the provisions of Section 8-500 (2) of the NYS Election Law. Commissioner Dent seconded the motion, which was adopted unanimously.

President Polanco recognized Alan Flacks, a member of the public, who spoke about the conduct between Poll Workers and Poll Watchers.

Mr. Ward presented the Comparative Expenditures report dated May 31, 2011. A copy of the report is in the agenda. Mr. Ward noted that there was a typographical error on the report. He distributed revised copies of the report to the Commissioners.

Commissioner Dent inquired if there are any new resumes as it relates to the position of Executive Director. Ms. Delayo replied that she has received one (1) resume from Anthony Como.

Secretary Soumas inquired about the overtime usage in the Executive Office. Ms. Sandow stated that there were poll worker recruitment events, Call Center classes, MIS backup in Queens, and overtime in the Payroll Department. Secretary Soumas requested for Mr. Ward to provide weekly detailed breakdown reports of overtime usage in the Executive Office.

Ms. Sandow reported that the Board will appear at a Hearing before the New York City Council on the proposed Executive Budgets for Fiscal Year 2012 on Wednesday, March 16, 2011 at 1:45 P.M. at the Emigrant Savings Bank, 49-51 Chambers Street, New York, NY.

Commissioner Umane questioned if the Board should include a request for 104 new positions in the Testimony. He stated that the Board needs the extra staff, but would rather focus on more urgent issues. Secretary Soumas stated that the Board should include it in the Testimony because there needs to be a record of what the Board needs.

Commissioner Umame reported on Section 5-304 of the NYS Election Law. He stated that the Board received letters from various good government groups concerning Section 5-304. Commissioner Umame moved to incorporate Section 5-304 in the Board's guidelines. He explained that it states that if somebody tries to vote by Affidavit Ballot in a Party Primary and they are not listed in the party who's Primary the voter is seeking to vote in, and then that Affidavit Ballot can be used as a request to change that individual's respective party designation moving forward. When the Affidavit Ballot is checked and that person is not in the party as specified, then that vote will not be counted in that Primary. The law says that it should be used as an application to change their party preference even though that vote is not counted. Commissioner Sipp seconded the motion, which was adopted unanimously.

President Polanco recognized Jerry Koenig, a member of the public, who spoke about Section 5-304 of the NYS Election Law.

President Polanco moved to convene an Executive Session to discuss personnel 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 authorized Ms. Delayo to be the reviewing official for requests to donate to the Sick Leave Bank, effective immediately.
- II. The Commissioners unanimously granted an advance of three (3) months sick leave for Palmerino Sagnelli, a Clerk in the Brooklyn Borough Office, to be reduced by the sick leave advance heretofore approved.

President Polanco adjourned the meeting.

The next stated meeting of the Commissioners is scheduled for Tuesday, June 7, 2011 at 1:30 P.M.