

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, JUNE 21, 2011
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR EVS CONFERENCE ROOM
NEW YORK, NY 10004

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

Commissioners Araujo, Barrera, Dent, Schacher, Stupp, Umane

Dawn Sandow, Deputy Executive Director
Steven H. Richman, General Counsel
John Owens Jr., Director, Campaign Finance Enforcement
Dorothy Delayo, Director, Personnel
John Ward, Finance Officer
John Luisi, Agency Chief Contract Officer
Tom Sattie, Associate Staff Analyst, Ballot Coordinator
Beth Fossella, Coordinator, Voter Registration
Richard Byrne, Summer Law Student Intern, OGC
Daniel Dugan, Summer Law Student Intern, OGC
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Stephen Kitzinger, Senior Counsel, NYC Law Department
Jerome Koenig
Marjorie Shea, Women's City Club
Rima McCoy, CIDNY
John D. Smith
Perrine Pradel, for Council Member Gale A. Brewer
Sara Dennis, Citizens Union
Jaqueline Lekhray, Citizens Union
Alex Camarda, Citizens Union
A.B. Britton
M.K. Lloyd

President Polanco called the meeting to order at 1:39 P.M.

Mr. Richman introduced the two (2) law school student interns who will be working in the Office of the General Counsel during the summer. The Commissioners welcomed Richard Byrne and Daniel Dugan.

Commissioner Araujo moved to adopt the minutes of the May 31, 2011, June 7, 2011 and June 14, 2011 meetings. President Polanco seconded the motion, with Commissioner Soumas abstaining. The motion was adopted.

Commissioner Umame requested to add a Commissioners' Committee report on the agenda.

President Polanco announced that Ms. Vazquez will not be present to report on her item.

Commissioner Stupp requested to discuss two (2) Queens personnel matters in Executive Session.

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

President Polanco requested to discuss a Bronx personnel matter in Executive Session.

President Polanco moved to convene an Executive Session to discuss litigation and personnel matters. Commissioner Araujo 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 motion to grant Wanda Davis, a Clerk in the Manhattan Borough Office, an advance of sixty-six (66) hours of sick leave, has been rescinded immediately.
- II. The Commissioners granted an advance of sixty-six (66) hours of sick leave to HARRISSE STEIN, a Clerk in the Brooklyn Borough Office, effective immediately.
- III. The Commissioners announced the departure of John Owens, Jr., the Director of Campaign Finance Reporting Enforcement for the Board. His last day is July 1, 2011. The Commissioners appointed Raphael Savino as the Director of Campaign Finance Reporting Enforcement with an annual salary of \$89,459, effective July 5, 2011.

Mr. Sattie presented the 2011 Primary ballot layout that complies with all legal requirements. He distributed copies of the revised ballot to the Commissioners. President Polanco noted that there were different font sizes on the proposed ballot at the last meeting which has been fixed. President Polanco moved to adopt the ballot layout for the September 13, 2011 Primary Election. Before a vote, Commissioner Stupp asked why the font cannot be bolded on all the names in the far right column. Mr. Sattie stated that if Chinese and Korean characters are bolded then it changes the meaning of the word. Secretary Soumas asked for input from the members of the public.

President Polanco recognized Jerome Koenig, a member of the public, who inquired if the numbers can be printed outside of the brackets on the Primary ballot. Mr. Sattie replied that he does not know, but will research that question with Mr. Naudus.

Commissioner Umane asked if the ballot instructions are in the current language. Mr. Sattie replied yes.

President Polanco recognized Alex Camarda, a representative of Citizens Union, who asked if the lines will be bolded on the top of each

column as discussed in a previous meeting. Mr. Sattie stated that it is not legal and will be in the Board's proposal.

Mr. Sattie stated that he will check if the numbers can be printed outside of the brackets on the Primary ballot. President Polanco withdrew his previous motion until Mr. Sattie gets clarity on Mr. Koenig's question. The item was tabled to the end of the agenda.

Mr. Richman reported on the New York State Election Commissioners' Association (ECA) 2011 Annual Summer Conference which was held from June 13th – June 16th. A copy of the schedule is in the agenda. Mr. Richman reported that he, Ms. Sandow, Ms. Perkins, Mr. Naudus, Mr. O'Grady, Ms. Crispino on behalf of Mr. Ribustello, and Commissioners Dent and Schacher were present. He stated that the main discussion concerned the June Primary Election and the Federal MOVE Act. The new ECA President will contact the Governor, Legislature, Judge Sharpe and the U.S. Department of Justice for a need for prompt action.

Mr. Richman reported on New York State Legislation. A copy of his memorandum is in the agenda. Mr. Richman reported that there is a request by the Legislative Secretary to the Counsel to the Governor for

Board comments on pending legislation. He recited the bills for the Commissioners. The pending legislation follows:

- A. 263 – makes technical corrections with regard to political subdivisions and election districts – changes requirement for information from “counties” to “political subdivisions” for the provision of street finders, maps, etc.
- A. 7453-A – related to the requirement to lock voting machines; requires sealing of removable memory cards or other similar electronic media.
- A. 6767-A – relates to the preservation of unused ballots in non-federal elections. (This is a modified version of the City Board’s proposal #11-10).
- S. 5753 – relates to the 2012 Presidential Primaries. It sets the date for the Presidential Primary as April 24, 2012, authorizes political parties to select one of two methods to indicate a Presidential Candidate preference and elect delegates and alternates to the National Party Convention and prescribes method to qualify such candidates for the ballot.
- A. 7469 – Permits town, fire and other special improvement districts to continue to use lever machines in their elections through December 2012.

Mr. Richman recommended that the Commissioners direct staff to communicate to the Governor that the City Board urges him to favorably act on the first four (4) bills (A. 263, A. 7453-A, A. 6767-A, S. 5753) and take no position on the last bill (A. 7469) which does not effect the operations of the City Board. Commissioner Umane inquired why the Board would support the first bill, but not the last bill because both do not apply to the City Board. Mr. Richman replied that it gives the City Board flexibility if they would want to change the Street Finders. President Polanco moved to support the first four (4) bills and take no position on the last bill as recommended. Commissioner Dent seconded the motion, which was adopted unanimously.

Mr. Ward presented the Vacancy Report dated June 21, 2011. A copy of the report is in the agenda.

Mr. Sattie reported on his findings regarding the 2011 Primary Election Day ballot. He stated that the numbers can be printed outside of the brackets on the Primary ballot. It will not affect the ovals. Mr. Sattie suggested moving those numbers to the bottom left hand corner of each box and keeping the brackets complete. Secretary Soumas asked if it was legal. Mr. Richman reported that it should be in the “approximate” center of

the box. Commissioner Barrera asked if the numbers could be printed to the right of the names so it would be away from the oval. Mr. Richman recited the law. It was found that the number shall be printed between the voting space and the name of the candidate. The change would be legal. The Commissioners requested for a revised copy of the ballot with the discussed changes. President Polanco moved to table this item for one (1) week. Secretary Soumas asked for the public's opinion concerning this issue.

President Polanco recognized Alex Camarda, a member of Citizens Union, who asked what the candidate's number signifies. Mr. Richman replied that each candidate, according to NYS Election Law, requires a number.

President Polanco recognized Marjorie Shea, a member of Women's City Club, who asked why the instructions on the ballot use the wording "beside or above" concerning the oval. Mr. Richman replied that it is a legal requirement in the 2011 NYS Election Law.

Commissioner Umame reported on the Commissioners' Committee on Procedures regarding the interim procedures for the 2010 NYS Election

Law, Section 5-304; the change of voter's enrollment as per September 2010 Primary Affidavit ballot. Ms. Fossella distributed copies of a report to the Commissioners. Commissioner Umane stated that the Committee revised the procedures. If the affidavit ballot was determined to be invalid because the voter voted in a Party Primary which they were not enrolled in then it would constitute a request to "Change of Enrollment" to the party they were trying to vote in. Mr. Richman noted that these are interim procedures, not permanent. Commissioner Umane asked the full Board to adopt the Committee's report. The Commissioners unanimously approved the report.

President Polanco moved to adjourn the meeting. Commissioner Barrera seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, June 28, 2011 at 1:30 P.M.