

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, AUGUST 23, 2011
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

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

Commissioners Dent, Guastella, Schacher, Sipp, Stupp, Umane

Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Raphael Savino, Director, Campaign Finance Reporting
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Valerie Vazquez, Director, Communications and Public Affairs
Troy Johnson, Coordinator, Candidate Records Unit
Matthew Graves, Administrative Associate, Candidate Records Unit
Stephen Thompson, Administrative Assistant, Election Day Operations
Steven Ferguson, Manager, MIS
Daniel Lavelle, Supervisor, Phone Bank and Front Counters
Giacomo Kmet, Temporary Attorney, OGC
James Barron, Temporary Attorney, OGC

GUEST: Cathy Gray
Alex Camarda, Citizens Union
Kate Doran, LWV
Mark Herman, SIDA
Jonathan Geballe, NJDLC
Rima McCoy, CIDNY
John D. Smith
A.B. Britton
Marjorie Shea, Women's City Club
Alan Flacks, Member of NY County Democratic Committee

President Polanco called the meeting to order at 1:36 P.M.

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

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

Commissioner Guastella requested to discuss a Staten Island personnel matter in Executive Session.

Ms. Perkins requested to add an item for Mr. Ferguson to the agenda.

Commissioner Dent moved to adopt the minutes of the August 16, 2011 meeting. Commissioner Schacher seconded the motion, which was adopted unanimously.

Ms. Vazquez presented the Poll Worker recruitment update. She reported that the Board will host an Open House on August 25, 2011 in the Executive Office. There will be a mock poll site and Poll Worker

recruitment. Ms. Vazquez stated that she is making follow-up phone calls to the good government groups and has sent out an email blast to Elected Officials inviting them to the event. Also, she attached a letter that they can send to their constituents to encourage attendance. Ms. Vazquez reported that she issued a Poll Worker Awareness Month press release on August 10, 2011. She reported that the Board has surpassed their goal by recruiting over 4,000 Poll Worker Applications. As requested by Commissioner Umane, Ms. Rahmouni and the Election Day Operations (EDO) Team are compiling data from the Poll Worker applications and categorizing their party, if they are registered to vote or not registered to vote, and the total amount of applicants that have been registered to vote through the recruitment process. Ms. Vazquez stated that she will send a detailed email to the Commissioners once the information is compiled. She reported that Secretary Soumas recorded two (2) thirty (30) second Public Service Announcements (PSA) today that will run on the 311 Call Center hold time and various FM radio stations. They hope that the PSAs will encourage Poll Worker recruitment and public education for the 1-2-3 Vote the New Way process. Ms. Vazquez will send the PSA link to the Commissioners once it is aired. She noted that Secretary Soumas did a great job recording the PSAs.

Mr. Ward presented the Comparative Expenditures Report dated August 23, 2011. A copy of the report is in the agenda.

Mr. Ward presented the Fiscal Year 2012 Budget Update. A copy of his memorandum and FY12 OTPS Chart is in the agenda. Mr. Ward reported that he did a series of eight (8) budget modifications (MODS) on July 21, 2011 totaling \$12,778,256 to fund the Presidential Primary Election. Due to the light number of contested Primary Elections and cost conscience decision of ballot printing, there was a reduction of \$6,000,000 for Fiscal Year 2012. Mr. Ward submitted three (3) other MODS on July 27, 2011 which was approved by the Office of Management and Budget (OMB) on August 8, 2011. He stated that the MODS make it possible to conduct the Primary, Special and General Elections, but there are still budget issues. The Program to Eliminate the Gap (PEG) is negative \$15,387,135 and there is no funding for ES&S support staff for the Presidential Primary Election on April 24, 2012. Mr. Ward stated that the Board will need additional funding for information technology services.

Mr. Johnson presented the draft Notice to All Candidates for the September 13, 2011 Primary and Special Elections. He distributed copies of the draft to the Commissioners and asked for their approval.

Commissioner Sipp inquired if the notice is legal. Mr. Richman replied yes. Commissioner Sipp moved to adopt the Notice to All Candidates for the September 13, 2011 Primary and Special Elections. Commissioner Stupp seconded the motion, which was adopted unanimously.

Secretary Soumas had a question concerning the Board's Overtime Report. He noted that an employee named Alan Chin in the Manhattan Office had eighteen (18) hours of overtime in the period of July 23 – August 6, 2011. Secretary Soumas stated that he has a memorandum from Manhattan's Deputy Chief Clerk stating that Mr. Chin was late seventeen (17) times and absent two (2) times in the period of June 17 – August 2, 2011. Secretary Soumas asked Mr. Ward to investigate this matter.

Mr. Richman reported on litigation concerning the September 13, 2011 Primary Election. He stated that last Tuesday the Appellate Division heard appeals involving four (4) Primary Election contests for the City of New York. In the case of Cipriano V. Graves, the Appellate Division reversed the decision of Judge Schmidt restoring Matthew Graves back on the ballot. Mr. Richman stated that he emailed the Commissioners this decision previously. He noted that copies of the

three (3) Orders of the Queens County Supreme Court matters (Littlewort V. BOE, Nunziato V. BOE and Watch V. BOE) are in the agenda. Mr. Richman thanked the Queens Office staff for assisting in a four (4) hour line-by-line proceeding. He reported that there is a pending matter in the case of Odle-Harvey V. BOE, Commissioner Polanco, Commissioner Araujo, and Mr. Richman. The matter involves the Democratic Primary Election in the 28th Council District in Queens County. Mr. Richman stated that he emailed the Complaint to the Commissioners today. The Hearing is scheduled for tomorrow and he believes that the matter will be dismissed. Mr. Richman reported that the Board is expected to receive a Notice to Appeal from Everly Brown. Commissioner Stupp thanked Mr. Richman for his professionalism and dedication during the Queens County matters. Mr. Richman stated that he will keep the Commissioners updated in litigation issues.

On behalf of Ms. Rahmouni, Mr. Thompson presented the Poll Worker Exception Report for the September 13, 2011 Primary and Special Elections in Brooklyn. He reported that the report was submitted to the Chief and Deputy Chief Clerks and was reviewed by their Commissioners. Mr. Thompson requested for the full Board to approve the report. Commissioner Dent moved to adopt the Poll Worker Exception Report for

the September 13, 2011 Primary and Special Elections in Brooklyn. Commissioner Schacher seconded the motion, which was adopted unanimously.

Mr. Ferguson reported that he was asked to present an update on the project concerning posting sample ballots on the Board's website. He stated that the Board and the Department of Information Technology and Telecommunications (DOITT) performed the user acceptance testing last week. Mr. Ferguson reported that the system is ready and they are finalizing the sample ballots for the Primary and Special Elections. He stated that he will make a presentation at next week's meeting and hopes that it will be approved by the full Board. Commissioner Umane reported that he and Commissioner Dent are on the Commissioners Subcommittee for the project and they were very encouraged by the progress that the Board has made. He stated that the Board will be ready to provide sample ballots online for the Primary Election from a technical standpoint. Commissioner Umane explained that the voter can view their ballot using the Poll Site Locator feature. The sample ballots will have a "Sample" watermark and no timing marks, so the ballots will not be scannable. Mr. Ferguson stated that he was advised today that this project has to be pre-cleared by the Department of Justice (DOJ). President Polanco was

concerned because the Board has been working on this project for months. He asked if the sample ballots can be posted online in time for the Primary Election. Mr. Richman stated that the project can be submitted to the DOJ once the full Board approves the system. He stated that it requires approval of the DOJ because it effects how the voters receive their information. President Polanco stated that the Commissioners' Subcommittee has been researching and working on this project as well. Mr. Richman stated that today was the first day that he was asked to review the legal language of the project. He stated that the project requires DOJ pre-clearance even though it is an added service for the voters. Commissioner Soumas asked Mr. Richman and the public if there are any other jurisdictions in the country that post their sample ballots on their website.

President Polanco recognized Marjorie Shea, a representative of Women's City Club, who stated that there are other jurisdictions under Section 5 of the Voting Rights Act that needs pre-clearance and post sample ballots on their website. Ms. Shea did not know the exact jurisdictions.

President Polanco stated that the good government groups have

been excited about this project for the Primary Election. Secretary Soumas inquired how long it would take the DOJ to pre-clear the Board's application. Mr. Richman stated that it can be mailed to them within a day upon the Commissioners' approval. President Polanco inquired if the sample ballots would be posted online in time for the Primary Election. Mr. Richman stated that it is possible if the DOJ acts upon the expedited request. He stated that each change, whether it is giving to the voters or taking away from the voters, must be pre-cleared by the DOJ. Commissioner Umame inquired if the 1-2-3 Vote the New Way campaign was pre-cleared. Mr. Richman replied yes; it was included in the six (6) volume submission concerning the implementation of the new voting system and the changes to the Board's website. President Polanco stated that he is upset because the staff and Commissioners have been working on this project for months. Mr. Richman stated that the project is not adopted and authorized yet, so it cannot be submitted to the DOJ. Mr. Ferguson stated that he has been working on this project for a long time and has been giving updates. Mr. Richman stated that the project has been worked on since then Executive Director John Ravnitz was at the Board. He added that the Commissioners' Subcommittee cannot act for the full Board. Commissioner Umame stated that the Subcommittee can recommend the project to the full Board today so it can be approved and

submitted to the DOJ. Mr. Richman noted that there have been changes to the messages today. Ms. Perkins stated that staff was planning to make a presentation to the full Board next Tuesday and if it was approved they would go live the next day on the Board's website. Ms. Perkins stated that they asked Mr. Richman to review the project this morning, but cannot go live because of the DOJ pre-clearance submission. Ms. Perkins stated that the staff has worked very hard and long hours on this project. She recalled that the Board has gotten the support of Council Member Gale A. Brewer for this project. Ms. Perkins stated that the staff is anxious to go live. Commissioner Sipp asked how long it would take DOJ to approve the project. Mr. Richman stated that the DOJ has up to sixty (60) days to approve it, but he would request expedited consideration which can take up to thirty (30) days. Commissioner Stupp stated that the sample ballots would be viewed on the Board's website and asked what the likelihood would be for the DOJ to review the project online. Mr. Richman stated that the Board would provide hard copies of screenshots and sample ballots for the five (5) counties to the DOJ. Commissioner Dent asked President Polanco and Mr. Richman if they could reach out to the DOJ to let them know of the urgency of this approval for the Primary Election. She asked if there is a contact person who may assist the Board so that they could speed up the process. Mr. Richman stated that they can make the

effort, but the DOJ advises repeatedly to submit applications at least sixty (60) days in advance.

President Polanco recognized Alex Camarda, a representative of Citizens Union, who reported that there was an earthquake occurring in New York City.

The meeting ended due to an earthquake and evacuation of the building.