

THE MEETING OF
THE COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, OCTOBER 4, 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 Araujo, Barrera, Dent, Guastella, Schacher, Stupp, Umane

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Dorothy Delayo, Director, Personnel
John Luisi, Agency Chief Contract Officer
Valerie Vazquez, Director, Communications and Public Affairs
Raphael Savino, Director, Campaign Finance Reporting
John Naudus, Manager, Electronic Voting Systems
John O'Grady, Chief, Voting Machine Technician
Tom Sattie, Associate Staff Analyst, Ballot Coordinator
Steven Ferguson, Director, MIS
Daniel Lavelle, Supervisor, Phone Bank and Front Counters
Giacomo Kmet, Temporary Attorney, OGC
James Barron, Temporary Attorney, OGC
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Jerome Koenig
Kate Doran, LWV
Marjorie Shea, Women's City Club
Elizabeth Brown, for Council Member Gale A. Brewer
Rima McCoy, CIDNY
Seth Grossman, NYC Council
Michael Aronson
Alex Camarda, Citizens Union
John Smith
Mariana Blume
A.B. Britton

G. Butts
Alan Flacks, Member of NY County Democratic Committee

President Polanco called the meeting to order at 1:30 P.M.

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

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

Commissioner Dent noted that she has another engagement and will have to leave the meeting at 3:30 P.M.

Commissioner Stupp moved to approve the minutes of the September 27, 2011 meeting. Commissioner Araujo seconded the motion, which was adopted unanimously.

President Polanco noted that Mr. Richman joined the meeting.

Ms. Perkins reported on the Unified Court System's of Court

Administration (OCA) Survey. A copy of the email and survey are in the agenda. Ms. Perkins explained that the State Board forwarded the OCA Survey and requested for the Board to provide contact information for certified candidates for judicial office. The information will be used for their 2011 Voter Guide. President Polanco asked if there would be a cost to the Board. Ms. Perkins replied no. She asked the Commissioners for direction on how to respond to this matter. President Polanco moved to authorize staff to provide the basic directory information as requested. Commissioner Araujo seconded the motion, which was adopted unanimously.

Commissioner Stupp moved to amend the minutes of September 27, 2011 on page 5 in the third paragraph. The sentence should state, "Commissioner Stupp confirmed that there were no discrepancies in the results which were then certified." Commissioner Umane seconded the motion, which was adopted unanimously.

Ms. Fossella requested to add an item to the agenda concerning an important issue with the Campaign Finance Board.

Mr. Richman presented the draft calendar for the filing of Designating

Petitions for the April 24, 2012 Presidential Primary Election. Copies of his memorandum and draft calendar are in the agenda. Mr. Richman recommended scheduling the hearings on Prima Facie matters or Specifications of Objections relating to Designating Petitions for Monday, February 27, 2012 at 10:30 A.M. Commissioner Umame stated that there is a strong likelihood there will be no challenges and suggested scheduling the hearing at the regular Commissioners' Meeting on a Tuesday, February 28, 2012 at 1:30 P.M. Mr. Richman noted that the Board will know the schedule by January 3, 2012 and could amend the hearing date and time, if needed. The Democratic Caucus agreed to Commissioner Umame's recommended date and time. President Polanco moved to modify the calendar for the filing of Designating Petitions for the April 24, 2012 Presidential Primary Election for Tuesday, February 28, 2012 at 1:30 P.M. Commissioner Dent seconded the motion, which was adopted unanimously.

Mr. Richman reported that a copy of a decision from the United States Court of Appeals for the Second Circuit, Maslow V. BOE, is in the agenda. The Second Circuit affirmed the ruling of Judge Garaufis that the requirement for a subscribing witness for a Designating Petition has to be an enrolled member of that Political Party.

President Polanco noted that Commissioner Soumas joined the meeting.

Mr. O'Grady recalled that ES&S presented six (6) options for Write-Once Read Many (WORM) devices at the previous meeting. Commissioner Soumas directed him to research if the options would decrease or increase the number of Poll Workers at the poll site because he was concerned about savings. Mr. O'Grady reported that he researched this issue with several Board departments and the devices do not decrease or increase the number of Poll Workers at the poll site.

Mr. Luisi presented a review of two (2) proposed contracts for the Board; After-Hours Car Service for the General Office and Rental of Tables and Chairs for Election Events and Training. He distributed copies of his report to the Commissioners. Mr. Luisi reported that the contracts were presented to the Commissioners' Finance Sub-Committee last week. Commissioner Barrera stated that the Sub-Committee requested additional information. Mr. Luisi reported that there were nine (9) responses and two (2) bids were submitted with incomplete documentation per NYC PPB rules. Two (2) bidders and one (1) non-bidder attended the public session. The contract was awarded to low bidder Prime Time Transportation, which

is based in Long Island City. The company has 206 licensed vehicles at base, including SUV's, Town Cars, and Camrys. Prime Time Transportation provides services to the NYC Council and the Administration for Children's Services (ACS), as well as major private companies such as Deutsche Bank. Mr. Luisi stated that they have provided up to 85 cars on a single day at the same address. The bids ranged from \$2,894,400 to \$2,171,720. Mr. Luisi stated that the low bid is 12.66% lower than the current four (4) year contract. Commissioner Umane stated that based on the initial information, the Sub-Committee recommends this contract to the full Board because there is significant savings. Commissioner Schacher inquired if the Board requires the drivers to have GPS. Mr. Luisi stated that most of the cars are equipped with GPS. Commissioner Schacher asked if the drivers speak English because there were a lot of problems in Kings County in the past. Mr. Luisi replied yes. President Polanco asked if this contract is the most cost efficient method for the Board to conduct transportation. Mr. Luisi replied yes and that staff members would still be teamed per car. President Polanco moved to accept the recommendation of the Commissioners' Finance Sub-Committee to select Prime Time Transportation. Commissioner Dent and President Polanco abstained. The motion was adopted.

Mr. Luisi presented the Contract for Rental of Tables and Chairs for Election Events and Training. He reported that there were two (2) responses. One (1) bidder and one (1) non-bidder attended the public session. The bids ranged from \$128,859,192 to \$1,692,725. The contract was awarded to low bidder Metro Office Furniture Rental which is based in Manhattan. Commissioner Schacher inquired if it would cost less to purchase tables and chairs, and to store them at the Board's Offices. Mr. Luisi stated that the rental company delivers and picks-up the tables and chairs for Election Day. President Polanco asked if this contract is the most cost efficient method for the Board and the voters. Commissioner Barrera stated that the Sub-Committee recommends Metro Office Furniture Rental because they were the lowest bidder. President Polanco moved to accept the recommendation of the Commissioners' Finance Sub-Committee to select Metro Office Furniture Rental. Commissioners Dent and Schacher abstained. The motion was adopted.

On behalf of Mr. Ward, Mr. Luisi presented the Comparative Expenditures Report dated October 4, 2011. A copy of the report is in the agenda.

President Polanco inquired if Ms. Delayo has received any resumes

as it relates to the position of Executive Director. Ms. Delayo replied no.

Ms. Fossella reported on her item concerning late voter registrations received from the Campaign Finance Board (CFB). On September 16, 2011, the Board received a total of 376 completed voter registrations which were delivered to the 32 Broadway, 7th Floor, Front Counter. There was no contact name, address or telephone number. The Voter Registration Department found that out of the 376 voter registrations, 199 were accepted by the CFB between July 29, 2011 and August 12, 2011. The last date to register for the Primary Election was August 19, 2011; therefore, the late delivery disenfranchised these voters. Ms. Fossella stated that an email was set to the Voter Assistance Committee and Press Committee of the CFB. Ms. Fossella received a phone call from a CFB representative who was very upset about this matter and said she will investigate and take action. Board staff and Executive Management have redesigned the Voter Registration Department's receipt which includes name, address, telephone number and email address. Ms. Fossella suggested sending a letter to the CFB and asked for direction from the Commissioners. Ms. Sandow stated that 199 people were disenfranchised from voting. She stated that the Board is very thankful that the CFB holds voter registration drives, but registrations cannot be held on to. People will

go to the poll sites on Election Day and their names will not be printed in the Voter Enrollment books. Ms. Sandow and Ms. Perkins would like to schedule a meeting with these organizations before the Presidential Primary Election so they can address this issue and set procedures. President Polanco requested for a recommendation. Commissioner Schacher requested for the Office of the General Counsel to prepare a letter to the CFB. Commissioner Umame stated that this issue is important, and suggested to use the term “another government agency” rather than CFB in the letter. He stated that in the past years different public interest groups and campaigns have delivered thousands of voter registrations to the Board around the last day to register which the Board staff has to process. Commissioner Umame stated that some groups and/or campaigns hold on to voter registrations so they can deliver a large number and have a great press release. He stated that it is very important to process the registrants so they can vote on Election Day. Mr. Richman stated that when the Mayor signed the Local Law 29 there was no requirement, despite the Board’s request, that the agency has a deadline to submit the voter registration forms to the Board. Mr. Richman recommended that the Mayor and NYC Council consider adding a time limit with Local Law 29 so that City agencies will transmit the voter registrations in a timely fashion, especially when the Board approaches a deadline.

President Polanco directed Mr. Richman to incorporate that issue into the letter.

President Polanco recognized Alex Camarda, a representative of Citizens Union, who stated that this is a major issue for Citizens Union. He reported that according to the Board's 2010 Annual Report over 187,000 voter registration applications were sent to those agencies and only 2,063 were returned. Mr. Camarda believes that the other agencies are not actively registering people. He stated that Citizens Union supports deadlines in the law.

Commissioner Araujo inquired if the voter registrations are processed for future elections. Ms. Sandow reported that Board staff processed the voter registrations immediately. Commissioner Dent inquired if all NYC Elected Officials, including the NYC Council Members, will be copied on the letter. Mr. Richman replied yes and he will email a draft letter to the Commissioners next week.

President Polanco recognized Alan Flacks, a member of the public, who stated that public interest groups bring in many voter registration forms to the Board at the last minute for a photo opportunity with the press.

Mr. Flacks added that California voter registration forms have a legal requirement that states the form must be filed with the board of elections within five (5) days. There is also a perforated receipt which contains the serial number form. Mr. Flacks suggested this option for the City Board.

President Polanco recognized Ms. Shea, a representative from Women's City Club, and Ms. Doran, a representative from League of Women Voters. Ms. Shea thanked the Board for posting the candidates' list on the website. She noticed that there are very few contested elections and urged the Commissioners to recognize that there will be a low voter turnout. Ms. Doran stated that if the Board consolidates on Election Day then staff should present the savings to the NYC Council and Elected Officials. Mr. Richman stated that there are other contests in Kings County. Commissioner Umane recommended that the Commissioners research their own borough with their Chief Clerks to make a determination. He stated that consolidation could increase the time waiting on line to vote. Commissioner Umane stated that the Board is looking into this matter borough wide. The Board would consider the number of ballots and reducing the number of scanners. Commissioner Araujo inquired if there is still an opportunity to combine Election Districts (EDs) at this time. Mr. Richman stated that the Commissioners can combine EDs for up to

2,000 eligible voters which would reduce the number of table Inspectors. Commissioner Araujo asked Mr. Richman to send an email to the Commissioners concerning the deadline to combine. He noted that he and Commissioner Stupp agreed to combine EDs, but were concerned about the timeframe. Mr. Richman stated that he will have to discuss the matter further with the Election Day Operations (EDO) Department, Borough Offices and Executive Management. Commissioner Araujo asked Executive Management to email the pro and cons of combining EDs to the Commissioners. Ms. Sandow stated that the Board has reduced the number of scanners and number of ballots, saving over \$6 million, for the 2011 General Election.

President Polanco recognized Marjorie Shea, a representative of Women's City Club, who believed that combining EDs should be the same citywide; not per borough.

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

Following the Executive Session, the open public meeting resumed

and President Polanco reported that there was no action taken in Executive Session.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, October 11, 2011 at 1:30 P.M.