

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, MARCH 20, 2012
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Maria R. Guastella
 Secretary Frederic M. Umane

Commissioners Araujo, Barrera, Dent, Schacher, Soumas, Stupp

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Valerie Vazquez, Director, Communications and Public Affairs
Raphael Savino, Director, Campaign Finance Reporting Enforcement
Steven Ferguson, Director, MIS
Troy Johnson, Coordinator, Candidate
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Monica Bartley, CIDNY
 A.B. Britton, KLC – GOP USA
 Marjorie Shea, Women's City Club
 Kate Doran, LWV
 Cathy Gray
 John D. Smith
 Patrick McClellan, for Assembly Member Kavanagh
 Alan Flacks, Member of NY Democratic County Committee
 Judd Ryan, ES&S
 Mariana Blume
 Allison Boothroyd, for Council Member Gale Brewer

President Guastella called the meeting to order at 1:35 P.M.

Commissioner Barrera requested to discuss a Bronx matter in public session.

Commissioner Araujo moved to table the minutes of the March 13, 2012 meeting. Commissioner Barrera seconded the motion, which was unanimously adopted.

Ms. Sandow reported that the Committee on Governmental Operations Agency Oversight Hearings on Fiscal Year 2013 Preliminary Budget and the Mayor's Fiscal Year 2012 Preliminary Management Report (PMMR) is scheduled for Thursday, March 29, 2012 at 10:45 A.M. She reported that Board Staff is in the process of preparing the Testimony. Ms. Sandow invited the Commissioners to join the meeting and stated that she will email the information to them.

Mr. Ward presented the Comparative Expenditures Report dated March 20, 2012. A copy of the report is the agenda.

Mr. Ward reported that he had a question while preparing the budget Testimony. He stated that the Inspectors, Coordinators and Poll Clerks

currently receive a \$75 performance incentive bonus if they attend the training class, pass the exam, and work two (2) election events. Mr. Ward asked the Commissioners if they would like to increase the bonus to \$100 for the September 11, 2012 and November 6, 2012 events for the fiscal year starting July 1, 2012. He stated that the bonus was \$100 last year. Mr. Ward stated that if the maximum of 32,000 Poll Workers work then the total amount paid would be approximately \$800,000. Mr. Richman noted that the performance incentive bonus was reduced to \$75 because the Board was not funded. He stated that the Board can ask the City Council to provide the additional funds for this item. Mr. Richman stated that the \$100 performance incentive bonus was effective in 2010 which helped maintain the Poll Workers. Mr. Ward noted that the Interpreters, Door Clerks and Information Clerks receive a \$35 performance incentive bonus for attending the training class, passing the exam, and working two (2) election events. Secretary Umane agreed to increase the \$75 bonus to \$100 in order to encourage people to attend the training class and to work both elections. Commissioner Soumas opposed giving out performance incentive bonuses due to the multiple Primary Elections and substantial amount of overtime that will occur during the Board's redistricting project. Mr. Richman noted that the bonus was only funded in the 2010 election

cycle. Secretary Umame asked Executive Management if the performance bonuses have an effect on recruiting Poll Workers. Ms. Perkins stated that it may be a difficult task recruiting Poll Workers without a bonus in some areas. She stated that the bonus would support the recruitment of better Poll Workers. Commissioner Araujo inquired how the Poll Workers know about the bonus. Ms. Sandow stated that it is indicated on the Poll Worker application and it is discussed at Poll Worker recruitment events. She stated that the Board needs to keep the performance incentive bonus to retain the Poll Workers to work both the Primary and General Elections. Commissioner Schacher asked if it helped Poll Worker attendance in the past. Ms. Sandow replied yes.

President Guastella recognized Cathy Gray, a Poll Worker, who recommended that the Board save the \$800,000. She stated that the \$25 raise in the performance incentive bonus would not make a difference to her.

Secretary Umame moved to continue with the \$75 performance incentive bonus for the Inspectors, Coordinators and Poll Clerks and the \$35 performance incentive bonus for the Interpreters, Door Clerks and

Information Clerks. Commissioner Barrera seconded the motion, with Commissioners Araujo and Soumas opposing. The motion was adopted.

Mr. Richman asked the Commissioners if the Board should ask the City Council for funding of the bonuses. Ms. Perkins noted that the Board has included that request in the past Testimony. Commissioner Soumas stated that reducing the amount of deficit is not the same as spending the funds that the Board has. Mr. Richman stated that the Board is not properly funded at the beginning of the fiscal year for these needs. Secretary Umane agreed with Commissioner Soumas and stated that he would like to move forward with the performance bonuses contingent upon the City Council and Mayor providing funds. Secretary Umane moved to amend his prior motion to add that the \$75 and \$35 performance incentive bonuses are contingent upon approval by the Mayor and City Council funding. If the Board does not receive funding then they will not give out bonuses because they cannot afford it. Commissioner Stupp seconded the motion, which was unanimously adopted. Secretary Umane clarified that there are no performance incentive bonuses unless it is approved by the Mayor and City Council. Commissioner Araujo requested for Board Staff to change the Poll Worker applications until they receive notification from the

City Council. Executive Management acknowledged his request. Mr. Richman stated that the newly appointed Poll Workers for the 2012 - 2013 term will be issued new applications on July 15, 2012.

President Guastella recognized Marjorie Shea, a representative of Women's City Club, who stated that the Board was asked to provide Poll Worker data, such as absence rate statistics, to the Mayor's Management Report (MMR) which might substantiate the performance incentive bonus request. Ms. Shea asked if the Board will be providing those statistics. Ms. Sandow stated that the Board will provide that data by percentage.

President Guastella recognized Alan Flacks, a member of the public, who stated that the Board could cut their budget by not paying the Commissioners' salary.

Commissioner Barrera requested to table her item. The Commissioners accepted her request.

Mr. Richman presented the draft Designating and OTB Petition Rules for the September 11, 2012 Primary Election for Non-Federal Public Offices and Party Positions. A copy of his memorandum is in the agenda. He requested approval from the Commissioners. Commissioner Soumas recommended removing the strikethrough on page #13, Rule H12, which concerns the citywide provisions. The Commissioners agreed. Commissioner Soumas moved to approve the Designating and OTB Petition Rules for the September 11, 2012 Primary Election for Non-Federal Public Offices and Party Positions as amended. Secretary Umane seconded the motion, which was unanimously adopted. Mr. Richman stated that he will submit the rules to the Department of Justice (DOJ) for approval.

President Guastella recognized Mariana Blume, a Coordinator, who stated that voters should present their I.D. cards at their poll site on Election Day to eliminate voter fraud.

Mr. Johnson presented the draft Notice to Candidates for the April 24, 2012 Presidential Primary Election. A copy of the draft notice is in the agenda. Mr. Johnson requested approval of the notice. He stated

that there were no revisions since it was issued in past practice. Secretary Umame moved to adopt the Notice to Candidates for the April 24, 2012 Presidential Primary Election. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Ferguson reported that he was advised by the State Board yesterday that the Court Order for the Congressional District lines has been issued. Mr. Ferguson stated that he is in the process of obtaining the data files that the City Board needs to start working on the Congressional lines in the Maptitude program for the 2012 June Primary Election. He stated that after the Board works on the files they will send it to the Department of City Planning (DCP) for review and the voters with new Congressional Districts will be adjusted in the system. Mr. Ferguson stated that the project will take a few weeks to complete. Commissioner Soumas asked him if he needs any resources to assist him in this process. Mr. Ferguson stated that he will have to make an assessment once he receives the data files. Commissioner Soumas moved to appoint the Commissioners' Executive Committee to act on behalf of the full Board if in the event Mr. Ferguson discovers something before next Tuesday that may require an approval which could be ratified by the full Board.

Commissioner Araujo seconded the motion, which was unanimously adopted. Secretary Umane thanked Mr. Ferguson and his staff for working on this complicated redistricting project. Ms. Sandow thanked Mr. Ferguson for being well prepared for this task.

President Guastella recognized Alan Flacks, a member of the public, who nominated himself to be the Board's Executive Director. Mr. Flacks stated that he knows the system; he would make sure people would get the job done; he would serve without compensation; and he would have monumental ingratitude towards everyone.

President Guastella moved to convene an Executive Session to discuss personnel, litigation and investigations matters, which was unanimously adopted.

Following the Executive Session, the open public meeting resumed and President Guastella reported that no action was taken in Executive Session.

President Guastella moved to adjourn the meeting, which was unanimously adopted.

The next stated meeting of the Commissioners is scheduled for Tuesday, March 27, 2012 at 1:30 P.M.