

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON THURSDAY, AUGUST 30, 2007
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR CONFERENCE ROOM
NEW YORK, NY 10004

P R E S E N T: James Sampel, Secretary

Commissioners Dent, Graham, Polanco, Soumas, Schacher, Umane,
Yennella

John Ravitz, Executive Director

Pamela Perkins, Administrative Manager

Steven H. Richman, General Counsel

Valerie Vazquez, Director, Public Relations and Communications

John Ward, Finance Officer

John O'Grady, Chief Voting Machine Technician

Joseph LaRocca, Coordinator, Candidate Records Unit

John Naudus, Senior Systems Analyst, EVS

Yi Yu, Senior Computer Programmer, EVS

Philip Mione, Computer Data Analyst, EVS

Antonia Figueroa, Poll Site Accessibility Unit

Jack Courtney, Temporary Attorney

Charles Webb, Counsel to the Commissioners

Steven Denkberg, Counsel to the Commissioners

Secretary Sampel called the meeting to order at 1:30 P.M.

Secretary Sampel introduced the new Bronx Republican

Commissioner J.C. Polanco and welcomed him on behalf of all the

Commissioners.

Secretary Sampel moved to adopt the minutes of August 2, 2007, August 7, 2007 and August 14, 2007. Commissioner Schacher seconded the motion, which was adopted unanimously.

Commissioner Umane moved to adopt the minutes of August 21, 2007. Commissioner Schacher seconded the motion, which was adopted unanimously.

Commissioner Polanco recognized former Commissioner and current Bronx Republican County Chair Joseph J. Savino.

The Executive Director reported that

- A) The NYC Board along with other County Board of Elections and the New York State Attorney General's Office attended the State Board of Elections' meeting in Albany on Tuesday, August 27, 2007 regarding HAVA compliance for the 2008 election cycle. He noted that several Commissioners participated via telephone conference call. Mr. Ravitz

provided the Commissioners with a copy of the agenda and summarized the key points of the meeting. He discussed the various options the State Board of Elections wanted them to consider, such as:

- a) Purchase additional ballot marking devices for all poll sites;
- b) Re-bid for BMDs, to allow for more vendors (“if there are any more vendors who make BMDs) to submit; and
- c) Bid for new voting system providing for one lot for the new voting systems, and the other lot for ballot marking devices.

Mr. Ravitz stated that there was a general consensus among all the counties that they should continue to do what was done in 2006 until new voting systems are certified.

- B) The State Board of Elections and the State Attorney General’s Office met with Judge Sharpe and the U.S. Department of Justice regarding the State’s compliance with HAVA in 2008 on Wednesday, August 29th. Judge Sharpe has given the State Board 30 days [September 28th, 2007] to provide the Court and the U.S. Department of Justice with a

comprehensive compliance plan for 2008.

- C) The New York State Attorney General's Office asked the NYC Board to be a part of a Commissioners' Committee that would represent all the local Boards of Elections within New York State.

Commissioner Umane advised that he was one of the Commissioners who participated in this meeting via telephone. He stated that John Ravitz and Pamela Perkins expressed the Board's position eloquently and the demand for a compliance plan sounds terrible. He stated that Justice Sharpe is a "reasonable person" who, he believes, would be willing to listen to realistic approaches to resolve this matter.

The General Counsel reported that State Board of Election's Co-Chair Douglas Kellner suggested that the NYC Board redirect their efforts on the Members of Congress. He advised that both the Holt bill (HR811) as well as Senator Feinstein's bill (she chairs the Senate Administration Committee) are federal election reform measures. There appears to be some momentum to allow New York State to continue to

use lever machines until the 2010 election cycle but there continues to be a strong feeling that something has to be done in terms of putting an accessible voting system or device in every poll site. It is important for the NYC Board to figure out how to approach NYC Delegation members.

The Executive Director reported that

- A) Candidates were given the opportunity to listen to the pronunciation of their name on audio ballot of the BMDs for the 2007 Primary Election;
- B) Candidates or their representatives will have an opportunity to review the printed BMD ballot on Tuesday, September 11, 2007;
- C) On Wednesday, September 5, 2007, a training session will be conducted for Adjunct Trainers;
- D) On Saturday, September 8, 2007, a training session and a dress rehearsal using BMDs will be conducted for poll workers and Board staff in each borough office using BMD in the Primary Election;
- E) A public demonstration was held at the Selis Manor, in Manhattan, on Wednesday, August 29, 2007;

F) A public demonstration will be held at the Brooklyn Borough Hall on September 11, 2007 at 5:00 P.M.;

He invited all the Commissioners to attend any of the training sessions/demonstrations.

In addition, the Director of Public Relations and Communications Valerie Vasquez will work with disability groups to set up any additional demonstrations as well as include in the Board's legal ads notices that Ballot Marking Devices are available for people to vote in the Primary Election.

The Executive Director provided the Commissioners with a letter from the State Board of Election's Co-Executive Directors Peter Kosinski and Stanley Zalen in response to the NYC Board's letter relating to the operation of the Statewide Voter Registration List and New York City's compliance with the duly enacted statutory and regulatory requirements.

Following discussion, Commissioner Umame moved to direct Board staff to transmit NYC voter registration data to the State Board but continue with NYC Board's current Policies, Practice and Procedures

with respect to changing any voter's data or status. Commissioner Soumas seconded the motion, which was adopted unanimously.

The Executive Director reported that Senior Management was recently made aware that two poll sites [P.S. 113 in Queens and P.S. 119 in Brooklyn] continue to be inaccessible to voters with disabilities. The General Counsel provided the Commissioners with a copy of a draft letter that would advise these voters of their rights under Section 5-601 of the Election Law for their approval. This notice should have been included in the recently mailed Voter Information Notice but was omitted.

After discussion, Commissioner Umame moved to authorize the Board to send the letter (as submitted) to the voters in the affected borough election districts for the Primary Election and delegate authority to the Brooklyn Commissioners to determine the best method of handling responses to the notice. The same procedure should apply to Queens for the General Election. Commissioner Soumas seconded the motion, which was adopted unanimously.

The General Counsel provided the Commissioners with a copy of

the Draft Calendar and Designating Petition Rules for the February 5, 2008 Presidential Primary for the review and noted that the State of New York passed the Law of Chapter 228 allowing the two major political parties to choose how their Presidential primaries are conducted:

- The Republican State Committee will conduct a statewide Primary for the candidates for President and elect all its delegates and alternates at a subsequent meeting of the Republican State Committee.
- The Democratic State Committee will elect its Congressional District delegates and alternates to the National Convention at that Primary Election, in addition to a statewide Primary for the candidates for President;
- The Democratic Presidential candidates designating petitions as well as those for delegates and alternates from Congressional Districts consisting of more than one county (or the City of New York and another county) will be filed with the State Board of Elections; and
- The City Board will receive petitions for candidates for

delegate and alternate to the Democratic National Convention only for those Congressional Districts with the City of New York.

The General Counsel further advised that in order to give the borough sufficient time to work any specifications of objections to petitions filed for Delegate and Alternate, hearings on such specifications be held on Thursday, December 27, 2007. He asked the Commissioners to act on these matters at their next meeting.

In addition, the General Counsel provided the Commissioners with a draft resolution with respect to the designation of sites that will contain ballot marking devices accessible to disabled voters for elections conducted by the NYC Board of Elections, pursuant to the provision of Chapter 506 of the Laws of 2007 and the Procedure for Counting Ballot Marking Device Ballots as adopted by the New York State Board of Elections on August 16, 2007 and asked the Commissioners to approve the same.

The Executive Director advised that he recommends that two ballot

marking devices be placed in each of the four borough offices that have primaries (Bronx, Brooklyn, New York and Queens) for the September 18th Primary Election.

Commissioner Umame moved to adopt the draft resolution as submitted. Secretary Sampel seconded the motion, which was adopted unanimously.

Commissioner Graham moved to adopt the recommendation by the Executive Director relating to the number of ballot marking devices for the Primary Election. Secretary Sampel seconded the motion, which was adopted unanimously.

Finance Officer John Ward provided the Commissioners with the Comparative Expenditure Report dated August 30, 2007 as well as the Vacancy Report dated August 21, 2007.

Secretary Sampel presented the Commissioners of Elections with a proposed Resolution of Appreciation to be sent to State Senator Maltese and Assembly Member Lopez for sponsoring A.6997.

Commissioner Umame moved to adopt the Resolution of Appreciation. Secretary Sampel seconded the motion, which was adopted unanimously.

Pursuant to §3-300 of the New York State Election Law, Commissioner Polanco moved the following personnel actions:

1) To appoint Roy Ellefson, as Administrative Assistant in EDO's Poll Site Accessibility Unit, to replace John Imperioli, effective immediately, with commensurate salary.

2) Appointed Stephanie Wilson, as Administrative Associate in the Executive Office (Finance Unit), effective immediately, with commensurate salary.

Commissioner Graham seconded the motion, which was adopted unanimously.

Secretary Sampel opened the floor for brief comments/questions.

- 1) Alan Flacks; and
- 2) Marjorie Shea, Women's City Club

The Secretary moved to adjourn. Commissioner Polanco seconded the motion, which was adopted unanimously.

Secretary Sampel announced that the next Commissioners' meeting is scheduled for Monday, September 10, 2007 at 1:30 P.M.