

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, NOVEMBER 9, 2010  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR COMMISSIONERS' ROOM  
NEW YORK, NY 10004

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PRESENT: President Julie Dent

Commissioners Araujo, Barrera, Ryan, Schacher, Sipp, Soumas, Stupp,  
Umane

Dawn Sandow, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
John Owens Jr., Director, Campaign Finance Enforcement  
Dorothy Delayo, Director, Personnel  
Valerie Vazquez-Rivera, Director, Communications & Public Affairs  
Daniel Lavelle, Associate Staff Analyst, Phone Bank & Communications  
Rosanna Rahmouni, Coordinator, Election Day Operations  
Nicholas Zimmitti, Associate Staff Analyst & President of Union Local 1183  
John O'Grady, Chief, Voting Machine Technician  
Maryrose Sattie, Deputy Chief Clerk, Brooklyn Borough Office  
James Barron, Temporary Attorney, OGC  
Adam Dolce, Temporary Attorney, OGC  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Stanley Denker  
Maxine Denker  
Ralph Franco  
Marcia Chung  
A. Reid, News 12  
Marjorie Shea, WCC  
Jim Robbins, New Yorkers for Verified Voters  
Alexander M. Dillon, DOI  
K. Richardson, WABC  
Tammy Leprine, WABC  
Rima McCoy, CIDNY  
Kate Doran, LWV

Garth Marchant  
Matt Gewolb, NYC Council  
Catherine T. Gray  
Alex Camarada, Citizens Union  
Teresa Hommel, WheresThePaper.org  
Stewart Armstrong, VAC  
Alan Jennings  
N. Wright  
Mark Herman, SIDA  
Joseph, Garber  
Bess Adler  
Jerome Koenig  
Alan Flacks, Member of NY County Democratic Committee

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President Dent called the meeting to order at 1:41 P.M.

Commissioner Barrera moved to approve the minutes of the August 10, 2010 and August 17, 2010 meetings. Commissioner Schacher seconded the motion, with Commissioners Araujo and Sipp abstaining for the August 17, 2010 minutes. The motion was adopted.

President Dent recognized and welcomed Stanley Denker, a dedicated citizen. Mr. Denker has served as a poll worker for the City since 2004. He was a victim of a physical assault mugging last week while traveling to serve as a poll site Coordinator for the November 2, 2010 General Election in Kings County. Despite the awful circumstance, Mr. Denker continued to the McGuinness Senior Center poll site to open and

worked the entire day helping many New York City voters use the new voting system. Mr. Denker was able to use his training to resolve issues on site and ensure voters had a smooth experience. President Dent stated that Mr. Denker is a stellar example of a dedicated public servant to ensure democracy is in action. She invited Mr. Denker and his family to join the Commissioners on the dais. Mr. Denker accepted the Proclamation from the Board of Elections in the City of New York. Commissioner Schacher recited the proclamation. Mr. Denker thanked the Board Commissioners and Diane Rudiano, Chief Clerk, Maryrose Sattie, Deputy Chief Clerk, and Rose Madden, Administrative Associate, of the Brooklyn Borough Office.

Ms. Sandow presented an overview of the November 2, 2010 General Election. She distributed copies of a report to the Commissioners. Ms. Sandow and Ms. Perkins thanked the Commissioners, Board staff, Gartner consultants, and the poll workers for their hard work and dedication on Election Day. In addition, Executive Management acknowledged and thanked the New York City Police Department (NYPD) and the Department of Education (DOE) for their support ensuring that the Police Officers and Custodians arrived at the poll sites at 5:00 A.M. on Election Day. The NYPD and the DOE worked very closely with the Board on Election Day. Ms. Perkins reported on the teams that were located throughout the five (5)

boroughs that assisted with the opening and closing of the polls as well as troubleshooting throughout the day. The Executive Office deployed fifteen (15) teams throughout the five (5) boroughs; three (3) in Manhattan, two (2) in the Bronx, four (4) in Queens, two (2) in Brooklyn, and one (1) in Staten Island. There were two (2) legal teams that were assigned citywide as well as a floater team which responded when needed. Each Borough Office deployed their Assembly District (A.D.) Monitor teams throughout their respective borough. The amount of A.D. Monitor teams deployed per borough follows:

- Manhattan - 36
- Bronx - 33
- Brooklyn - 59
- Queens - 52
- Staten Island - 11

Ms. Perkins reported that on Election Day each Borough Office operated a Call Center with staff assigned to answer calls, respond to questions, or resolve issues with the caller. The Call Centers also dispatched field staff to resolve issues at poll sites, monitor and escalate issues, and document the resolution of the calls in the system. The amount of phone calls reported per borough Call Center follows:

- Manhattan - 1,331
- Brooklyn - 1,484
- Staten Island - 330
- Bronx - 743

According to the Board's Call Center system, as well as the NYPD's recorded data, there were three (3) poll sites that did not open at 6:00 A.M. The three (3) poll sites were opened late due to the late arrival by the Custodian.

Ms. Sandow stated that the Board needs to continue to strengthen and enhance efforts in poll worker and interpreter recruitment, poll worker training, public outreach, and poll site accessibility. Although the Board received positive feedback on the improvements made from the Primary Election to the General Election, the Board will continue to apply lessons learned from each election to ensure voter confidence and enhance the voting experience for the millions of voters in New York City.

President Dent stated that she was very happy with the turnout of the November 2, 2010 General Election. She is very proud of the Board's leadership under Ms. Sandow, Ms. Perkins, the legal team, Board staff,

and the poll workers. President Dent thanked her fellow Commissioners for observing the poll sites in their respective boroughs. She noted that the poll workers were very confident and professional on Election Day.

Mr. O'Grady reported on the deployment of equipment to the poll sites citywide. He distributed copies of his report to the Commissioners. The Board delivered 3,921 Scanners, 1,446 Ballot Marking Devices (BMDs), 6,109 E.D. Transportation Carts, 16,146 Privacy Booths, 7,756 tables and 35,000 chairs. After the Primary Election, Board staff reviewed and adjusted its delivery procedures. During the review, the staff added the three (3) new forms to its delivery procedures which are Chain of Custody, Daily Log – Hand Written, and Daily Log – With Data. He noted that the adjustment to the Board's deployment procedures resulted in a successful deployment and will be the standard operating procedures for future elections.

Ms. Rahmouni reported on poll worker training, re-training and assignment. There are a total of 35,598 poll workers trained. 8,839 poll workers were trained since the 2010 Primary Election. A total of 35,525 poll workers passed the poll worker test. Ms. Rahmouni stated that she met with the Election Day Operations (EDO) Field Staff to discuss lessons

learned after the Primary Election and what they can do to help the poll workers understand the new procedures. EDO staff enhanced the Poll Worker's Summary Guide with pictures and clearer explanations to make it easier to follow. Ms. Rahmouni distributed copies of the revised Poll Worker Summary Guide to the Commissioners. She reported that the Trainer for the A.D. Monitors and Coordinators re-training classes went very well and EDO received a lot of insight. There was a total of 88 re-training classes with 5,358 new poll workers who attended training after the Primary Election. There was a total of 917 poll workers re-trained due to failure.

Ms. Rahmouni reported on the CUNY poll worker applicants. Since July 1, 2010 there were 855 CUNY applicants. There were 524 applicants registered to vote, 616 applicants assigned to train, 359 applicants attended the classes, and 356 applicants that passed the test. Commissioner Schacher requested a written report concerning feedback from the poll workers, Coordinators and A.D. Monitors for the Commissioners.

Mr. Lavelle reported on the Board's Phone Bank calls. He stated that the Staten Island and Executive Office Phone Banks were fully operational

from 5:00 A.M. – 9:00 P.M. on Election Day. The Executive Office’s Phone Bank received 5,556 calls. The Staten Island Office Phone Bank received 3,577 calls. The total amount of calls to 1-866-VOTE-NYC was 9,133. 1,409 calls were complaints such as, “Font size was too small” or reports of electioneering, and 7,724 calls were general inquiries such as, “Where do I vote?” and “Where am I registered?” The peak time for call traffic was between 8:30 A.M. and 12:00 P.M. The longest wait time for a caller was under three (3) minutes during the peak time.

Mr. Richman reported on post General Election legal matters. He recalled that the Board has been advised by the respective counsels for the Democratic and Republican State Committees that it is their intention to seek a prospective statewide Impoundment Order for the November 2, 2010 General Election. At the previous Commissioners’ Meeting, the Commissioners authorized the Board’s legal staff and the NYC Law Department to negotiate an Order that will allow the Board to perform its statutory duties and responsibilities as well as meet the requirements of the Election Law and various court decisions. The respective counsels for the Democratic and Republican State Committees agreed to revise the Order. A copy of the Stipulation and Order - Amending Order to Show Cause is in the agenda. Mr. Richman noted that



a copy of the Administrative Order of the Deputy Chief Administrative Judge concerning a Special Term for all Election Law applications and proceedings within in the City of New York is in the agenda also.

Mr. Richman reported that on Election Night the counsel representing the Republican candidates for Member of Congress in the 13<sup>th</sup> Congressional District and 60<sup>th</sup> Assembly District (Staten Island and Brooklyn) sought an Order Stipulation of Discontinuance in the post-election proceedings. Mr. Richman reported that Commissioner Sipp shared the Order with the legal staff immediately. The Executive Committee authorized the NYC Law Department to seek relief from those Orders from the Appellate Division, Second Department. The counsel for the petitioner advised the Board that they would withdraw the proceedings without prejudice and the same was so ordered by the Staten Island Supreme Court. Mr. Richman noted that copies of those Orders are in the agenda.

Mr. Richman reported that there was a Stipulation and Order relating to the post-Election activities for the 11<sup>th</sup> State Senate District in Queens County. This Order was served to Commissioner Stupp on November 3, 2010. A copy of the Order is in the agenda. The Executive Committee

authorized the NYC Law Department to seek relief from the Order. The counsel for the petitioner agreed that the relief sought should be modified. The Order was modified in accordance with the Board's and NYPD's requests. A copy of the modified Order is in the agenda. It was noted that Senator Padavan conceded in the contest, so legal staff is waiting for the formal discontinuance of the proceeding.

Mr. Richman reported on the United Spinal Association and Disabled in Action v. Board of Elections in the City of New York Order, 10 Civ. 5653 (DAB). The Order relates to the accessibility at each poll site. The petitioner sought injunctive relief to require the Board to assign specific additional staff to address issues of temporary impediments to poll site accessibility. There were two (2) hearings before Judge Deborah A. Batts, U.S. District, two (2) weeks before the General Election. The Borough Office and Executive Office staff worked very hard compiling the relevant portions of the A.D. Monitoring Reports which were recorded on Primary Day. Judge Batts issued a Memorandum & Order denying the Plaintiffs' Motion for a Preliminary Injunction. She noted that the Board's existing procedures are adequate. A copy of the Decision & Order is in the agenda.

Mr. Richman reported on the NAACP, et al. v. State Board and City Board. The petitioners challenged the over vote message and related provisions of the State certified poll site optical scanning system. There was a conference last week before a Judge in the U.S. District Court, Eastern District, in Brooklyn. The City Board was sought to be dismissed from the case because the City Board is legally obligated to use the State Board certified poll site optical scanning system and is without the authority to change it. The City Board will be submitting its brief in support of that decision next month.

Mr. Richman thanked the Executive Committee and Commissioner Umane for being readily available and for supporting the Board's procedures and statutory requirements.

President Dent thanked Mr. Richman, Stephen Kitzynger (Assistant Corporation Counsel for the NYC Law Department), Secretary Polanco and Commissioner Umane for working long hours on these legal matters. She also thanked the New York City Police Department, Department of Education, New York City Housing Authority and the private poll sites that assisted the Board on Election Day. President Dent acknowledged that the

Borough Office Chief Clerks and Deputy Chief Clerks were outstanding as well.

Ms. Grimaldi reported on the EMS System. She stated that there were no problems with the EMS System. All image files were produced for the ballots and the election results were captured. Ms. Grimaldi stated that the EVS Department has maintained a list of improvements they would like for the system. The list will be prepared by mid-January for the Commissioners to review before it is sent to the vendor.

Ms. Grimaldi reported on post election activities. There are four (4) main activities ongoing at the Board. The activities are the following:

1. Reading the Portable Memory Devices (PMDs)
2. Recanvass
3. 3% Audit of the Scanners
4. Reviewing of Ballot Images to Canvass Write-In Votes

Commissioner Umame thanked Ms. Grimaldi for her report. He stated that the process of reviewing each ballot image for write-in votes is a very time consuming process. He requested for Ms. Grimaldi to make recommendations for that review process to be accomplished faster.

Ms. Grimaldi acknowledged Commissioner Umane's request and reported that ten (10) work stations are used in each borough. Each server uses five (5) workstations and there are two (2) servers per borough.

Mr. Richman reported that the Board will start reviewing the paper ballots on Wednesday which includes Absentee, Affidavits, Special, Military and Federal.

Ms. Vazquez-Rivera presented the overview of the Board's Public Education Campaign. She distributed copies of the Public Education Campaign's Results report to the Commissioners. Ms. Vazquez-Rivera summarized the report for the Commissioners. She reported on Social Media, Advertising, Voter Education Materials, Mobile Education, Community and Multi-Cultural Outreach, and Interagency Coordination. A copy of the report is in the agenda. Ms. Vazquez-Rivera thanked Rima McCoy, Voting Rights Coordinator for the Center for Independence of the Disabled, NY (CIDNY), for assisting her throughout the Public Education Campaign.

Ms. Vazquez-Rivera presented the Board's Palm Cards that were distributed at each poll site in New York City. The Palm Cards were

translated in the four (4) covered languages. Ms. Vazquez-Rivera reported that the frequently asked questions were addressed on the Palm Card and it was very successful.

President Dent thanked Ms. Vazquez-Rivera for her hard work and Rima McCoy for assisting the Board and its voters.

Ms. Vazquez-Rivera presented the Twitter response strategy implementation. A copy of the report is in the agenda. The Board's strategy was to monitor in real-time, wherever applicable, using public outreach resources. As new Tweets appeared, the user name and message were recorded in the Board's Election Day Twitter Tracker. The appropriate response was simultaneously designed and recorded for each Twitter Tracker. The Tweet was sent out in real-time responding to each Tweet individually. The Board did additional monitoring to ensure that any follow-up responses from individuals were recorded and responded to accordingly. The most serious issues were entered into the Board's Fleet system to ensure that it would follow Board protocol to be effectively handled. Commissioner Umame stated that the main concern reported by the voters was that the ballot font was too small. He reported that the Board prepared a formal statement concerning that issue. Commissioner

Umane recited the President's statement: "We have heard concerns from many voters about the font size and design of the ballot used in the November 2, 2010 General Election. We appreciate the feedback, and invite voters to join with the Board in taking the next step on this important issue. To comply with federal and state laws, the Board of Elections in the City of New York implemented a new voting system that produces a verifiable paper record. Many of the specifics governing the new voting system were mandated by New York State legislation, such as the design of the paper ballot (See Section 7-106(6) and (7) of the New York State Election Law). The state legislation clearly states that all of the offices and races must be listed on one side of the ballot. Magnifying sheets and ballot-marking devices, which included a text enlargement option, were available for any voter to use in marking their paper ballots at their poll sites. As paper ballot design was a result of state legislation, the Board will highlight the feedback we have received from the voters and our concerns surrounding this issue in our legislative proposal packet when the session reconvenes in January. The Board also encourages voters to contact their elected state officials regarding issues concerning the ballot font size." Commissioner Umame moved to adopt the President's formal statement and to post it on the Board's website. Commissioner Schacher seconded the motion, which was adopted unanimously.

Ms. Perkins reported that the entrance conference with the NYC Office of the Comptroller concerning the Procurement Audit is scheduled for November 17, 2010 at 12:00 P.M.

Ms. Perkins reported that in past practice the Board closes its Offices and Facilities the day after Thanksgiving in lieu of Election Day. On behalf of the staff, she requested to continue that tradition. Commissioner Umane moved to close the Board's Offices and Facilities the day after Thanksgiving, November 26, 2010, in lieu of Election Day according to past practice. President Dent seconded the motion, which was adopted unanimously.

On behalf of Mr. Ward, Mr. Richman presented the Vacancy Report dated November 9, 2010 and the Comparative Expenditures Report dated November 2, 2010. Copies of the reports are in the agenda.

Commissioner Soumas requested to add an item to the agenda. He reported that Troy Johnson procured BlackBerry devices for the Board. Commissioner Soumas moved for all Board Managers and the General Counsel to carry BlackBerry devices so they can respond to their emails faster when working in the field. Commissioner Araujo seconded the



motion, with Commissioner Schacher abstaining. The motion was adopted.

President Dent recognized Jim Robbins, a member of the public.

President Dent recognized Alan Jennings, a member of the public.

Commissioner Schacher 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, November 16, 2010 at 1:30 P.M.