

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, APRIL 12, 2011  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR COMMISSIONERS' ROOM  
NEW YORK, NY 10004

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

Commissioners Araujo, Dent, Ryan, Schacher, Sipp, 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 and Public Affairs  
Daniel Lavelle, Associate Staff Analyst, Phone Bank & Communications  
Tom Sattie, Associate Staff Analyst, Ballot Coordinator  
John O'Grady, Chief, Voting Machine Technician  
John Luisi, Agency Chief Contract Officer  
Nicholas Zimmitti, Administrative Staff Analyst, Election Day Operations  
Charles S. Webb, III, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Paul Griego, UA  
Cathy Gray, 936 President  
Stewart Armstrong, CFB  
Jerome Koenig  
Todd Urosevich, ES&S  
Alex Camarda, Citizen's Union  
Kate Doran, LWV  
Marjorie Shea, Women's City Club  
Rima McCoy, CIDNY  
John D. Smith

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President Polanco called the meeting to order at 1:33 P.M.

Commissioner Stupp requested to discuss a Queens personnel matter in Executive Session.

Mr. Richman requested to add four (4) informational items to the agenda.

President Polanco reported that there is Bronx personnel matter to be discussed in Executive Session.

Commissioner Araujo moved to approve the minutes of the February 22, 2011, March 1, 2011, March 8, 2011, March 15, 2011, March 22, 2011, March 29, 2011 and April 5, 2011 meetings. Commissioner Dent seconded the motion, with Commissioner Stupp abstaining on the April 5, 2011 minutes. The motion was adopted.

President Polanco noted that Commissioner Umane joined the meeting.

Mr. Ferguson informed the Commissioners that there will be a meeting with the State Board to discuss system modifications to comply with the Federal MOVE Act on April 14, 2011. He stated that there will be a

telephone conference call held from 11am to 2pm. Commissioner Dent asked if Mr. Richman will be attending the conference call. Mr. Richman stated that he will be available. Mr. Ferguson stated that he will email the dial-in telephone number to Board Staff and the Commissioners as soon as he receives it.

Mr. Sattie presented the contract for Goods and Services for Voting Systems and Components. He distributed informational packets to the Commissioners. Mr. Sattie asked for the Commissioners' approval to create a backdrop contract that uses the State's OGS contract to purchase goods and services for the City's voting systems and its components. He explained that the Commissioners approved the funds at the February 1, 2011 meeting. He noted that detailed spreadsheets that list the amount of goods and services that the Board Staff requests and the total cost per item are in the packet. Mr. Sattie stated that the Board Managers are present for any questions. Commissioner Schacher asked for more details of the contract. Mr. Sattie explained that it is a split-funded contract between capital and expense. The capital portion would be used for new items that the Board Staff believes may be necessary to handle the reapportionment such as scanners and equipment. The expense portion would be used for any possible replacement items and any services

needed such as additional training. Commissioner Umame inquired if there are any items indicated in expense portion that might be covered by the warranty from the vendors. Mr. Sattie replied yes. He stated that those items are listed on the spreadsheet and were not added to the total cost of the contract. Mr. Sattie noted that he added those items for full disclosure. Commissioner Araujo asked if it affects the cost savings analysis. Mr. Sattie replied no; it was not factored into the analysis. Mr. Richman stated that there will be a new five (5) year warranty for any new equipment purchased which is mandated by the State regulations and in the OGS contract. President Polanco moved to authorize the entering into the contract. Commissioner Dent seconded the motion, which was adopted unanimously. Commissioner Dent asked Mr. Sattie to take Commissioner Umame's concerns regarding the vendor's warranty into consideration.

In the absence of Mr. Ward, Mr. Richman presented the Vacancy Report dated April 12, 2011. A copy of the report is in the agenda.

Commissioner Dent inquired if the Board has received any additional resumes as it relates to the position of the Executive Director. President Polanco and Ms. Delayo replied no.

Mr. Richman reported that he distributed copies of four (4) informational documents to the Commissioners. He reported that Bill No. A07043 was introduced yesterday by Chair Millman. The bill would change the dates for designating petitions for 2011 only by moving the start date back one (1) week. There will be a special meeting of the Election Law Committee this afternoon. The bill is an attempt to avoid having petitioning begin on the Jewish Holiday of Shavuoth. The petitioning would start on May 31<sup>st</sup> instead of June 7<sup>th</sup> and the party calls would be due two (2) weeks before the first day to circulate.

President Polanco recognized Jerome Koenig, a member of the public, who had a question concerning the new bill's petitioning date.

Commissioner Dent asked Mr. Richman if he has received any news concerning the Special Election. He stated that the NYS Governor is waiting until all the potential vacancies in the Members of the State Legislature have been created. The Governor understands that it will be less expensive for the City Board to conduct the Special Elections on the same date. Mr. Richman stated that there is no requirement for the Governor to call a Special Election. The Governor can also call it in junction with the General Election.

President Polanco recognized Jerome Koenig, a member of the public, who recommended for the Board to combine certain Election Districts for the Special Election.

President Polanco recognized Marjorie Shea, a member of the public, who asked if the Board will produce ballots forty-five (45) days before the Special Election to comply with the Federal MOVE Act. Mr. Richman replied yes. Secretary Soumas recalled that the Governor stated that he will take in account the Federal MOVE Act when ordering the Special Election, if at all.

President Polanco noted that Commissioners Ryan and Sipp joined the meeting.

Mr. Richman reported on the draft Designating and Opportunity to Ballot Rules for the September 13, 2011 Primary Election. Mr. Richman provided a copy of the approved and pre-cleared Designating and Opportunity to Ballot Rules for last year's September Primary to the Commissioners. He requested for the Commissioners to review the Rules. Mr. Richman stated that he intends to submit the Rules for the Commissioners' approval at the meeting scheduled for May 3, 2011.

Mr. Richman reported that he distributed copies of the Board's Recommended Revisions in the New York State Election Law 2011 – Part 1 to the Commissioners. He stated that it has been released to the public and is posted on the Board's website as well.

Mr. Richman reported that he distributed copies of a confidential Report and Recommendation concerning the NYS Election Commissioners Association (ECA) Proposal to modify the Election Calendar for a June Primary Election to the Commissioners. He reported that the ECA Working Group was created at its Winter Conference in January. Mr. Richman anticipates that the materials will be distributed to the intended recipients within the next week.

President Polanco reminded the public that the Commissioners previously voted to cancel next week's public meeting in light of the holy week.

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

Following the Executive Session, the open public meeting resumed and President Polanco reported on the actions taken in Executive Session:

- I. The Commissioners unanimously agreed for Emily DiBiase, a Clerk in the Queens Borough Office, to receive a three (3) month probation and an assignment to a program, effective upon the execution of the written disposition.
- II. The Commissioners unanimously agreed for Frank Olivo, a Clerk in the Bronx Borough Office, to receive a one (1) year probation, effective today.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, April 26, 2011 at 1:30 P.M.