

THE MEETING OF  
THE COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, OCTOBER 25, 2011  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

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PRESENT: President Juan Carlos "J.C." Polanco

Commissioners Araujo, Barrera, Dent, Guastella, Schacher, Sipp, Stupp,  
Umane

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  
Matthew Graves, Administrative Associate, Candidate Records Unit  
Daniel Lavelle, Supervisor, Phone Bank and Front Counters  
Ralph Morales, Associate Staff Analyst, Election Day Operations  
Thomas Sattie, Ballot Coordinator  
Gregory Lehman, Chief Clerk, Manhattan Office  
Timothy Gay, Deputy Chief Clerk, Manhattan Office  
Diane Rudiano, Chief Clerk, Brooklyn Office  
Maryrose Sattie, Deputy Chief Clerk, Brooklyn Office  
Giacomo Kmet, Temporary Attorney, OGC  
James Barron, Temporary Attorney, OGC  
Charles S. Webb, III, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Frank Lombardi, Daily News  
Cortney Gross, NY1  
Mac, NY1  
Aziz Zanen, WPIX  
Natasha Sheriff, WNYC  
Theresa Pagliocco, Burson-Marsteller  
Shuang Lzu, World Journal

Xaoging Rouy, Sing Tao Daily  
Alan Flacks, Member of NY County Democratic Committee  
Rima McCoy, CIDNY  
Stewart Armstrong, CFB  
Will Colegrove, for Council Member Gale Brewer  
Alex Camarda, Citizens Union  
Kevin Maloney, Citizens Union  
Council Member Gale Brewer  
Nick Spardone, DOITT  
Rai Sigh, DOITT  
Carole Post, DOITT Commissioner  
Marjorie Shea, Women's City Club  
A.B. Britton  
Charlie Laramy, ES&S  
Kate Doran, LWV  
John D. Smith  
Jerome Koenig  
Cathy Gray

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Commissioner Umame called the meeting to order at 1:37 P.M.

Commissioner Umame announced that the Commissioners would conduct the meeting of the Board of Canvassers in the City of New York to certify the revised results of the September 13, 2011 Primary Elections in Kings and New York Counties. He stated that last week, the Board determined that with respect to certain affidavit ballots cast in Brooklyn and Manhattan in the Primary Election, a ministerial error occurred and the affidavit ballot envelopes did not contain a specified blank for the voter to indicate his or her party affiliation in the appropriate location.

In accordance with the NYS Election Law, the Board determined that a ministerial error did occur and that affidavit ballot envelopes previously determined to be invalid solely because of the omission of the party name, be reviewed and if that was the only defect, then the envelope should be opened and the ballot contained therein, if valid, cast and canvassed in accordance with the NYS Election Law. Based on that determination, the respective Chief and Deputy Chief Clerks and their staffs reviewed the affidavit ballot envelopes in question, cast and canvassed those ballots as provided for by law and the respective boroughs have prepared revised Statements reflecting the votes cast on those valid affidavit ballots.

Commissioner Umame designated the respective Republican Commissioners from Queens and Manhattan to serve as the other Republican members of the Canvassing Board for the respective counties. Commissioner Umame asked Commissioner Dent to designate the 2<sup>nd</sup> Democratic Commissioner for the respective counties to join her for the respective Certifications. Commissioner Dent designated Commissioner Araujo.

Ms. Rudiano and Ms. Sattie presented the Revised Statement and Return of Canvass for the Democratic and Republican Party primaries

conducted in Kings County on September 13, 2011. They confirmed that the revised reports are accurate and correct, and include those ballots found to be valid based on the Commissioners' determination last week. After completion of the review, the winner of any contest did not change. Commissioner Dent moved for the Board of Canvassers to certify the Revised Statement and Return of Canvass for the Democratic and Republican Party primaries conducted in Kings County on September 13, 2011. Commissioner Schacher seconded the motion, which was adopted unanimously.

Mr. Lehman and Mr. Gay presented the Revised Statement and Return of Canvass for the Democratic Party primaries conducted in New York County on September 13, 2011. They confirmed that the revised reports are accurate and correct, and include those ballots found to be valid based on the Commissioners' determination last week. After completion of the review, the winner of any contest did not change. Commissioner Umane moved for the Board of Canvassers to certify the Revised Statement and Return of Canvass for the Democratic Party primaries conducted in New York County on September 13, 2011. Commissioner Araujo seconded the motion, which was adopted unanimously.

Commissioner Umame moved to authorize the use of the Commissioners' signature stamps as appropriate on each Revised Statement and Return of Canvass. Commissioner Stupp seconded the motion, which was adopted unanimously.

Commissioner Umame moved to adjourn the meeting of the Board of Canvassers and to convene the stated meeting of the Board. Commissioner Dent seconded the motion, which was unanimously adopted.

President Polanco assumed the Chair of the stated meeting of the Board.

Mr. Richman requested to discuss a law enforcement matter in Executive Session.

President Polanco noted that Commissioner Sipp joined the meeting.

President Polanco announced that PRNews recognized the significant work conducted by the Board's 2010 Public Education Campaign to prepare NYC voters using the new voting system.

He stated that there are two (2) PRNews Awards. The first award is in recognition of the Board's public affairs efforts and the second award is in recognition of the multicultural focus of the Board's 2010 Public Education Campaign. President Polanco stated that Ms. Vazquez and her team continue to work tirelessly to educate voters for Election Day. He presented the two (2) PRNews Awards to Ms. Vazquez and her team and thanked them for their dedication to the City of New York. President Polanco noted that the awards were given by Burson-Marsteller who thank Ms. Vazquez for working with them throughout the year.

On behalf of the Commissioners, Commissioner Araujo thanked the Commissioners and Board staff for their excellent presentation concerning sample ballots online at today's Press Conference. He stated that the new system will better serve the voters of NYC. President Polanco thanked the staff as well.

Commissioner Dent inquired if there were any additional resumes submitted for the position of Executive Director. Ms. Delayo replied yes. She will distribute copies of the resume to the Commissioners after the meeting.

President Polanco recognized Alan Flacks, a member of the public, who asked for the name of the applicant. Ms. Delayo replied Martine Guerrier.

Commissioner Dent moved to approve minutes of the October 18, 2011 meeting. Commissioner Araujo seconded the motion, which was adopted unanimously.

Mr. Richman presented the draft Designating Petition Rules for the April 24, 2012 Presidential Primary. He recalled that he provided a memorandum and copies of the rules at the previous meeting. Mr. Richman stated that the basis for the draft was the pre-cleared rules for the 2008 Presidential Primary. The changes in the draft reflect those modifications made to the designating petition rules for September Primary Elections made since then and to reflect the fact that only petitions for party position will be filed with the Board. Commissioner Umame requested to revise Rule H-1 to indicate which Presidential candidate a delegate has pledged to support or unaffiliation as part of the information to be provided in connection with objections and cover sheets. Mr. Richman stated that Rules H-1 and C-2(a) can be revised to include the statutory definition of the Party position as required by Chapter 147 of the Laws of 2011 (i.e.

stating to whom the candidate is pledged to support for President).

President Polanco recognized Jerome Koenig, a member of the public, who addressed the Commissioners about the uncontested Presidential Primary Election.

Commissioner Umame moved to adopt the Designating Petition Rules for the April 24, 2012 Presidential Primary with the amendment. Commissioner Barrera seconded the motion, which was adopted unanimously. Mr. Richman stated that the rules will be submitted to the DOJ for pre-clearance. He noted that the first day to circulate designating petitions for this primary election is January 3, 2012.

Mr. Richman reported on the State Board's consent decree regarding "Double Voting" messages and instructions to all county boards of elections. A copy of an email from the State Board is in the agenda. Mr. Richman distributed copies of the decree to the Commissioners. He stated that this decision creates a violation with the Voting Rights Act because it is not pre-cleared with the DOJ. He stated that the State Board is requesting voluntary actions which include posting signs and notifications at the poll sites after the City Board's Poll Worker training has been



completed, and all of the supplies packages are ready to be shipped. In addition, the State Board has not provided the multilingual translation of the materials that is required for NYC. Commissioners Schacher and Sipp expressed that it is impossible for the City Board to comply with the decision statutorily. Commissioner Umane stated that the “Double Voting” message would confuse the voters without the proper notification. Mr. Savino reported that the submission was signed and filed on September 8, 2011 which is over a month and a half before they sent it to the City Board. President Polanco stated that this is malpractice by the State Board for waiting so long to notify the City Board of this matter. He noted that the State Board should be aware that these agreements impact millions of voters in NYC. Ms. Perkins stated that she had several discussions with the State Board’s Co-Executive Directors and they are waiting for a reply. Commissioner Umane moved for the City Board to respectfully respond to the State Board to advise them that because of the failure to pre-clear and the late notification that the City Board received it is not practical to take any action for this November election, and the City Board will wait for the State Board’s revised regulations and rules and act accordingly. Commissioner Sipp seconded the motion, which was adopted unanimously.

Mr. Ferguson presented on a decision made by the Commissioners' Finance Committee concerning the request for new consulting contracts with IMI, SageSmith and N-Tier. He distributed copies of his memorandum to the Commissioners. Mr. Ferguson stated that the Commissioners' Finance Committee approved the three (3) contracts with IMI, SageSmith and N-Tier. These consultants assist the Board with project management with the core computer systems. The Board reduced the annual cost by approximately 25%. Commissioner Umane asked if this is a fair price for their services and if they are doing a great job. Mr. Ferguson replied yes. Commissioner Dent asked if the companies are working simultaneously. Mr. Ferguson replied yes; the consultants work in the Board's Executive Office's MIS Department. Commissioner Schacher requested for their headquarters contact information. Commissioner Araujo asked if any of their services can be done by Board staff. Mr. Ferguson replied no because the consultants have technological expertise. In addition, extra head count is not funded by the NYC Council. The consultants are funded by OTPS (Other Than Personal Services), not PS (Personal Services). Ms. Sandow reported that the consultants are very helpful and have created many computer systems and training videos this year. Mr. Ferguson stated that the consultants relieve some of the work that the Board's MIS staff has to do. Commissioner Dent asked if the funds are

present to move ahead with the contracts. Mr. Ferguson replied no, but the Board has requested the funds from the NYC Council. He stated that he would like to move ahead with the procurement process. Commissioner Dent thanked Mr. Ferguson for being proactive. Commissioner Araujo asked when the Board will not need their consulting services anymore. Mr. Ferguson stated that he is unsure because of future legislation and a redistricting project next year. He stated that the consultants may be working for a couple of years until the Board can hire additional staff. Commissioner Schacher asked if the consultants are reviewed. Mr. Ferguson reported that he reviews the consultants' tasks monthly. Commissioner Umane moved to ratify the Commissioners' Finance Committee decision to move forward with the new contracts with IMI, SageSmith and N-Tier subject to implementation upon proper funding. Commissioner Araujo abstained. The decision was ratified.

Mr. Morales presented the revised proposed procedures for the Surveyors' Car Service Transportation. He distributed copies of his report to the Commissioners. Mr. Morales requested approval of the proposed procedures. Commissioner Umane clarified that the Surveyors can only use car service in the event that they are unable to get to the poll site either by walking or public transportation. President Polanco noted that the car

service will be funded through the HAVA Grant. Commissioner Umane moved to adopt the procedures for the Surveyors' Car Service Transportation. Commissioner Barrera seconded the motion, which was adopted unanimously.

Mr. Ward presented the Vacancy Report dated October 25, 2011. A copy of the report is in the agenda.

Commissioner Schacher moved to convene an Executive Session to discuss a law enforcement matter. Commissioner Dent seconded the motion, which was adopted unanimously.

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

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

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