

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, JUNE 19, 2007  
AT 1:30 P.M.  
42 BROADWAY, 6th FLOOR HEARING ROOM  
NEW YORK, NY 10004

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P R E S E N T:           Anthony Como, President  
                              James Sampel, Secretary

Commissioners Graham, O'Connor, Schacher, Umane, Yennella

John Ravitz, Executive Director  
George Gonzalez, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
Phil Donahue, Director, Personnel  
John Ward, Finance Officer  
Elliot Borack, ACCO  
Valerie Vazquez, Director, Public Relations and Communications  
John O'Grady, Chief Voting Machine Technician  
Troy Johnson, Chief Clerk, Manhattan Office  
Steve Ferguson, Director, MIS  
Pablo Martinez, MIS  
Peter Halprin, Law Student Intern  
William Markle, Law Student Intern  
John Naudus, Sr. Computer Programmer  
Philip Mione, Computer Data Analyst  
Gladys Fernandez, Technical Liaison  
Marilyn Reyes, Technical Writer  
Steve Denkberg, Counsel to the Commissioners

Guests:     Marjorie Shea, Women's City Club  
              Alyssa Usui, Voters Assistance Commission  
              Mark Herman  
              Jerry Koenig  
              Teresa Hommel

President Como called the meeting to order at 1:30 P.M.

President Como announced that the Board of Canvassers would convene to review the results of the June 5, 2007 Special Election for Member of Assembly in the 65<sup>th</sup> Assembly District. The President designated Commissioners Umame, Graham, Secretary Sampel and himself as the Board of Canvassers.

Chief Clerk Troy Johnson presented the Board of Canvassers with the draft Statement and Return of the Certification for the June 5, 2007 Special Election in the 65<sup>th</sup> Assembly District, New York for their approval.

President Como moved to approve the Statement and Return of the Certification for the June 5, 2007 Special Election in the 65<sup>th</sup> Assembly District, New York. Commissioner Graham seconded the motion, which was adopted unanimously by the members of the Board of Canvassers.

President Como reconvened the public meeting.

President Como moved to table the minutes of May 29, 2007 and June 12, 2007 until the next meeting. Secretary Sampel seconded the motion, which was adopted unanimously.

The Executive Director reported that

- A) The City Board continues its ongoing discussions with OGS, the Attorney General's Office, other County Boards of Elections, and the State Board of Elections to revise the State contract for new voting systems. He advised that Chief Voting Machine Technician John O'Grady is on the State Board of Elections' Evaluation Committee which will recommend a new independent testing authority for the certification process.
- B) Based on our Evaluation Team's recommendation, staff is working to finalize the Scope of Work for the Public Information consultants and hopes to have a draft for the Commissioner's review before their next meeting.
- C) Senior Management will meet with the Manhattan Office tomorrow, June 20, 2007 at 10:00 A.M. which will complete the scheduled borough visits. He reported

that Borough Office visits would be scheduled yearly and thanked the Commissioners for participating.

Commissioner Umare suggested that the draft of the Scope of Work for the Public Information consultants should be forwarded by e-mail prior to the next Commissioner's meeting to give them ample time to review it.

The General Counsel reported that the Legislature had not yet addressed Section 11 of the Election Reform and Modernization Act of 2005, which mandates one handicapped accessible voting device at each poll site this year, and prohibits the use of lever voting machines after September 1, 2007. He further reported that the Assembly Election Law Committee is scheduled to vote on A.9264 (a one-house bill) tomorrow and expects the full Assembly to vote on Thursday, the last scheduled day. In addition there is a fatal flaw in S.6337 (also a one-house bill). That bill repeals all of Section 11 of EMRA, including the requirement that lever machines be replaced by September 1, 2007, but it also repeals the "provided for" clause of Section 11 that allowed counties to retain their lever machines until September 1, 2007. The

“provided for” clause was the subject of the Suffolk County law suit that sought to continue using lever machines after the deadline. Therefore, a fair reading of the Senate bill, which does not mention the right to continue using lever machines, is that 7-202, which became effective in 2005, already outlaws the use of lever machines. The General Counsel reported on several bills of interest to the Board and summarized the provisions of each bill.

The Executive Director stated that bills impacting the State’s deadline for lever machine replacement were brought to his attention this morning and together with Steve Richman calls were made to both legislative leaders and their counsels to raise the Board’s concerns with these bills. He questioned the rationale and stated that he is uncertain whether it makes sense for the City Board to support them. The Executive Director and General Counsel responded to questions from the Commissioners.

Steve Ferguson reported that he expects that in the City of New York the NYS Voter II List would be operational after the petitioning process. The State contract would permit local BOE’s to contract for

additional services using the State contract.

The Director of Personnel presented the Commissioners with the draft proposed Agency Emergency Procedures for their approval. He reported that he conducted the research and consultation as requested.

Commissioner O'Connor moved to adopt the draft Emergency Procedures as submitted. Secretary Sampel seconded the motion, which was adopted unanimously.

Finance Officer John Ward provided the Commissioners with the Comparative Expenditure Report dated June 19, 2007.

Chief Voting Machine Technician John O'Grady demonstrated the Bright Board LCD Light Display Systems that would be used in place of flipcharts to assist trainers during poll worker training classes.

The President moved to convene an Executive Session to discuss personnel matters.

The President reported that in the Executive Session the Commissioners took the following personnel actions:

- 1) The Board unanimously accepted the Step IV pay grievance award for Lisa Sattie. The Board also unanimously promoted Miss Sattie to Administrative Assistant, in the Staten Island Office with commensurate salary, effective June 6, 2006; and
- 2) Unanimously accepted the Step IV grievance award for Michael Carmicino. The Board also unanimously promoted Mr. Carmicino to Administrative Associate in the Executive Office with commensurate salary, effective July 1, 2006.

Commissioner O'Connor moved to adjourn. President Como seconded the motion, which was adopted unanimously.

President Como announced that the next Commissioners' meeting is scheduled for Tuesday, July 10, 2007 at 1:30 p.m.