

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON WEDNESDAY, FEBRUARY 6, 2008  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR HEARING ROOM  
NEW YORK, NY 10004

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P R E S E N T:           James Sampel, President  
                              Frederic Umane, Secretary

Commissioners Como, Dent, Graham, O'Connor, Polanco, Schacher,  
Soumas, Yennella

Marcus Cederqvist, Executive Director  
George Gonzalez, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
Joseph LaRocca, Coordinator, Candidate Records Unit  
Lucille Grimaldi, Director, EVS  
Karen Viggiano, Consultant, Gartner  
Gladys Fernandez, Technical Liaison, EVS  
Yi Yu, Senior Computer Programmer, EVS  
Ed Fraga, Consultant, Gartner  
John Naudus, EVS  
Marianne Effinger, EDO  
Benjamin Acevedo, Admin. Associate, Manhattan VMF  
Troy Johnson, Chief Clerk, Manhattan Borough Office  
Rosanna Rahmouni, Coordinator, EDO  
Steve Ferguson, Director, MIS  
Jack Courtney, Temporary Attorney  
Steven Denkberg, Counsel to the Commissioners

GUEST:    Clara Baillon, Voter  
            Aaron Belisle, CIDNY  
            Adele Bender, JPAC  
            Andrea Senteno, Citizen Union  
            Neal Rosenstein, NYPIRG  
            Teresa Hummel, Community Church of NY

Aldo Tesi, President, ES&S  
Marjorie Gersten  
Barry Herron, VP Global Strategic Sales, Premier  
Howard Cramer, VP Sales, Sequoia Voting Systems  
Israel Rodriguez, NYC Council  
Simcha Felder, NYC Council Member  
Steve DeNitto, Office of Management & Budget

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President Sampel called the meeting to order at 1:34 P.M.

President Sampel welcomed everyone to the special meeting of the Commissioners and advised that this meeting is being held to receive the report of the Board's Evaluation Team regarding Ballot Marking Devices for use in 2008.

Commissioner O'Connor stated that the Voting Machine Technicians deserve a parade for the work they performed during the February 5, 2008 Presidential Primary Election.

Lucille Grimaldi presented the members of the Evaluation Team Benjamin Acevedo, Marianne Effinger, Troy Johnson, Steve Ferguson, Rosanna Rahmouni, and John Naudus. Ms. Grimaldi presented a

statement on behalf of the Evaluation Team which gave an overview of the work done to evaluate the ballot marking devices and their related computer systems for use in the 2008 Primary and General Elections. She then submitted the Evaluation Team's report. Gartner Consultant Ed Fraga provided the Commissioners with a cost analysis report.

President Sampel opened the floor for brief statements/comments and asked each speaker to limit their comments to two minutes:

- 1) Barry Herron, VP Global Strategic Sales & Marketing, Premier
- 2) Aldo Tesi, President, ES&S
- 3) Clara Baillon, Voter
- 4) Neal Rosenstein, NYPIRG
- 5) Teresa Hummel, Committee for Election Integrity
- 6) Howard Cramer, Sequoia
- 7) Adele Bender, JPAC
- 8) Andrea Senteno, Citizen's Union
- 9) Marjorie Gersten on behalf of the League of Women Voters

Secretary Umame reported that an order has been issued in a matter captioned: "ELECTION SYSTEMS & SOFTWARE, INC. v. NEW YORK STATE BOARD OF ELECTIONS ET. AL." filed in New York State Supreme Court, Albany County [Index Number 954/08]. That order directs that, "the Petitioner's AutoMark Ballot Marking Device, as modified, is to be included in the list of Ballot Marking Device systems [that] the County Boards of Elections may rank their selections for February 8, 2008 submissions to the NYS Board". Secretary Umame asked the General Counsel to explain what this order means with respect to the selection process.

The General Counsel reported that the hearing held in NYS Supreme Court, Albany County today concerned two actions: one with ES&S as the Petitioner and the other with Premier as Petitioner. Both were scheduled before Justice O'Connor for 9:30 A.M. Based on the order signed today, both ES&S and Premier must be considered by the Commissioners. He was unaware if the State Board had sent a memo explaining these orders. The New York City Board did receive an email, dated February 5, 2008 advising of the pending litigation.

Lucille Grimaldi reported that, in a telephone conversation with Liberty, she was advised that the Liberty voting device would have to be modified to support other languages in addition to Spanish and English. She also reported that Liberty's voting system is a paper face machine and not an electronic display, which can only accommodate one Election District's ballot on each machine.

After a lengthy discussion, Commissioner Como moved to postpone selection of a ballot marking device until Friday, February 8, 2008 at 1:30 P.M. Commissioner Graham seconded the motion, which was adopted in a roll call vote, 7 in favor (President Sampel, Commissioners Como, Dent, Graham, Polanco, Schacher, Yennella) 2 opposed (Secretary Umame & Commissioner O'Connor) 1 abstention (Commissioner Soumas).

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

The President announced that the Commissioners next meeting will be Friday, February 8, 2008 at 1:30 P.M.