

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, MAY 6, 2008
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR HEARING ROOM
NEW YORK, NY 10004

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

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

Marcus Cederqvist, Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Phil Donahue, Director, Personnel
John Ward, Finance Officer
Joseph LaRocca, Coordinator, Candidate Records Unit
Steve Ferguson, Director, MIS
Elliot Borack, ACCO
Rosanna Rahmouni, Coordinator, EDO
Lisa Swanson, Gartner Consultant
Nicholas Squicciarini, Facilities Management
Beth Fossella, Coordinator, Voter Registration
Charles Webb III, Counsel to the Commissioners
Steven Denkberg, Counsel to the Commissioners

GUEST: Marjorie Shea, Women's City Club
 Andrea Senteno, Citizens Union
 Israel Rodriguez, NYC Council
 Alyssa Usui, Voters Assistance Commission
 Mary Lou Urban, Community Church of New York
 Teresa Hummel, Community Church of New York
 Mark Herman

President Sampel called the meeting to order at 1:42 P.M.

President Sampel moved to table the minutes of the April 1st, April 8th, April 22nd, and April 29th until the next meeting. Commissioner Soumas seconded the motion, which was adopted unanimously.

Secretary Umane reported that at their meeting on April 22, 2008, and in accordance with §3-212(5) of the Election Law, a Committee of four Commissioners was authorized to conduct a special meeting for the purpose of designating poll sites. At the meeting held on April 29, 2008, the three Commissioners present were President Sampel, Secretary Umane, and Commissioner Yennella and per the Election Law consisted of President Sampel and Secretary Umane. The Designation of Poll Sites for the 2008 and 2009 elections was voted and passed. Secretary Umane directed Board staff to send the appropriate letters notifying the building owners of the action taken on behalf of the Board of Election's Commissioners.

The Executive Director reported that:

- A) Robert McFeeley of the Voters Assistance Commission has filed a HAVA complaint with the State Board of Elections alleging that the Board is not purging its voter registration records as required by law.

President Sampel asked whether Mr. McFeeley was authorized to file this complaint, noting that he filed it as a private citizen yet signs it as the Commissioner of the Voters Assistance Commission. The General Counsel reported that voters of this state, once registered, have permanent registration and only actions based on an official communication from a voter to the Board changing their status, or the failure to respond to an official notice, by mail, will result in the removal of their name from the voter registration list. He believes that it is beyond the authority of the State Board to vary the Election Law in an Administrative Hearing. After further discussion, Secretary Umane authorized and directed the General Counsel to:

- 1) Send a letter to the Conflict of Interest Board; and
- 2) Respond to the Enforcement Counsel at the State Board of Elections.

President Sampel seconded the motion, which was adopted unanimously.

- B) The proposed delivery date for the AutoMark Devices has been advanced to June 4, 2008.
- C) Based on the current information available, Board staff has begun to locate potential new space/facilities in each of the five boroughs as follows:
- 5112 Second Avenue, Brooklyn – This new site provides adequate space to house the voting machines and additional supplies from other offices on a long term basis.
 - 1932 Arthur Avenue, Bronx will be used as a temporary space starting Friday, May 9, 2008. The Board proposes to relocate the Bronx Office and VMF to a new location at 385 Gerrard Avenue once renovation is complete.
 - 430 West 33rd Street, Manhattan is the current site of the Manhattan VMF that we will continue to use temporarily. Additional unused office supplies will be stored at the new Brooklyn facility.

- 1 Edgewater Plaza, Staten Island – This site, which is the current location of the Staten Island Office and Voting Machine Facility, provides sufficient space for the Board. Nicholas Squicciarini and DCAS representatives are working to acquire additional storage space, in the building, to house new voting systems.
- 126-06 Queens Boulevard, Queens – the site provides 30,000 sq. ft. of space but additional space is needed to house the new voting systems. Board staff has identified space at Northern Boulevard and 66-26 Metropolitan Avenue as potential sites. He stated that the Borough Managers thought the Northern Boulevard site would be a good location for their new office but Commissioner O'Connor expressed disapproval.
- Executive Office, New York – The Board is seeking to lease space on the third floor of 42 Broadway. DCAS and Nicholas Squicciarini are negotiating with the building's management.

- D) Commissioners O'Connor, Schacher, Dent, and Graham attended the State BOE Annual Election Officials' Conference on April 22, 2006 through April 30, 2006 along with staff from the City Board. It included a review of HAVA Implementation procedures.
- E) The NYS Election Commissioners' Association's Summer Conference will be held June 15, 2008 through June 18, 2008 in Chautauqua, NY.
- F) The Board's current contract with the Borough of Manhattan Community College (BMCC) ends in 2009. He reported that the Board staff has proposed increasing the funding for the existing contract with BMCC.
- G) Senior Management requests a determination with respect to limiting Board employee's use of annual leave after July 7th.

Commissioner Umame moved to approve the Executive Director's request to limit vacation leave through the certification of results of the General Election unless there is a demonstrated need. President Sampel seconded the motion, which was adopted by a vote of 9 in favor (President

Sampel, Secretary Umane, Commissioners Dent, Graham, Polanco, Soumas, Schacher, Umane, and Yennella) and 1 opposed (Commissioner O'Connor).

In response to a question, the Coordinator of Election Day Operations explained why she modified her request for an extension of the BMCC contract.

The General Counsel provided the Commissioners with a copy of a faxed letter, dated April 30, 2008 from Thomas Ognibene, a candidate in the Special Election for Member of the City Council in the 30th Council District. The General Counsel advises, by memorandum, dated May 5, 2008 that Mr. Ognibene questions another candidate's presence (former NYC Board of Election's Commissioner Anthony Como) in the Board's Executive Office on the second (not the first as claimed by Mr. Ognibene) day to file independent nominating petitions for the June 3, 2008 Special Election prior to 9:00 A.M. The General Counsel reported that he discussed this matter with the front counter staff, William Truscio and Matthew Smith who advise that even though it is standard practice for the reception counter staff to "open the doors" upon their arrival, usually at 8:00

A.M. no documents are received for filing until 9:00 A.M. The General Counsel advised that the Board's staff actions, in this instance, are consistent with the Board's practice and procedures and fully compliant with the requirements of the New York State Election Law. He recommends that the Commissioners authorize and direct him to reply, in writing, to Mr. Ognibene and advise him of the Board's standing practice and procedure and note that Mr. Como did not receive any special treatment or advantage in this matter.

Secretary Umame moved to authorize the General Counsel to send a written response to Mr. Ognibene as requested. President Sampel seconded the motion, which was adopted unanimously.

Commissioner Soumas advised that he and Commissioner Como, who resigned recently, served as the Commissioners Committee on Investigations. He asked the Secretary to designate a Republican Commissioner to serve on the bipartisan Committee for Investigations. The Secretary designated Commissioner Polanco.

The Coordinator of the Candidates Records Unit presented the

Commissioners with a draft of the Notice to Candidates for the June 3, 2008 Special Election for Member of the City Council in the 30th Council District, Queens for their approval. Secretary Umame moved to approve the Draft Notice to Candidates for the June 3, 2008 Special Election for Member of the City Council in the 30th Council District, as submitted. Commissioner O'Connor seconded the motion, which was adopted unanimously.

Finance Officer John Ward provided the Commissioners with the Vacancy Report dated April 29, 2008 and the Comparative Expenditure Report dated May 6, 2008.

Secretary Umame reported that the Board needs an additional six thousand to eight thousand new poll workers this year. He asked the Board to reconsider its declination of the Citizens Unions request for a letter of support to the Election Assistance Commission in helping to recruit college students. After discussion, the request to reconsider the Board's previous motion failed.

The President opened the floor for brief comments

A) Alan Flacks

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

The Secretary reported that in the Executive Session, the Commissioners unanimously voted to direct the General Counsel to send a letter to Corporation Counsel regarding the reimbursement of expenses for outside counsel as a result of the investigation into reported death threats to Ms. Dawn Sandow, the Deputy Chief Clerk at the Bronx Board of Elections.

Secretary Umane moved to adjourn. President Sampel seconded the motion, which was agreed to by all present.

The next full Board meeting is scheduled for Tuesday, May 13, 2008 at 1:30 P.M.