

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, JUNE 24, 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:           President James Sampel  
                              Secretary Frederic Umame

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

Marcus Cederqvist, Executive Director  
George Gonzalez, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
Valerie Vasquez, Director, Public Relations  
Phil Donahue, Director, Personnel  
John Ward, Finance Officer  
Boris Pincus, HAVA Training Specialist, EDO  
Juan Del Carmen Polanco, Administrative Assistant, EDO  
Lucille Grimaldi, Director, EVS  
John Naudus, EVS  
John O'Grady, Chief Voting Machine Technician  
John Owens Jr., Campaign Finance Enforcement  
Pablo Martinez, Management Information Systems (MIS)  
Antonio Ortiz, Management Information Systems (MIS)  
Timothy Gay, Deputy Chief Clerk, Manhattan Borough  
Steven Denkberg, Counsel to the Commissioners  
Charles Webb III, Counsel to the Commissioners

GUEST:     Marjorie Shea, Women's City Club  
              Adrienne Kivelson, League of Women Voters  
              Teresa Hummel, Community Church of New York  
              Marjorie Gersten, Community Church of New York  
              Alyssa Usui, Voters Assistance Commission  
              Andrea Senteno, Citizens Union  
              Jeff Sia, Burson Marsteller

President Sampel called the meeting to order at 1:38 P.M.

President Sampel introduced John Owens, the Campaign Finance Enforcement Officer and welcomed him on behalf of all the Commissioners.

Secretary Umane moved to table the minutes of the May 6<sup>th</sup>, May 13<sup>th</sup>, May 20<sup>th</sup>, May 27<sup>th</sup>, June 3<sup>rd</sup>, and June 10<sup>th</sup> meetings. Commissioner O'Connor seconded the motion, which was adopted unanimously.

Valerie Vasquez-Rivera presented the 2008 Ballot Marking Devices Public Education and Outreach Plan. She reported that BMD demonstrations will be held August 4, 2008 through August 11, 2008 from 6:00 P.M. to 8:00 P.M. at the following borough locations:

- A) Flushing Town Hall (Queens)
- B) Brooklyn College (Brooklyn)
- C) Selis Manor (Manhattan)
- D) The College of Staten Island (S.I.); and

E) Lehman College (Bronx)

With the assistance of Pablo Martinez and Antonio Ortiz, Ms. Vasquez-Rivera guided the Commissioners through a simulation of the NYC Board's website that would include links with information about the BMDs, dates for upcoming BMD demonstrations, and a public service announcement featuring Matthew Sapolin, Commissioner for the Mayor's Office for People with Disabilities in which he would describe the benefits and availability of the BMDs. All information will be in the required languages. This information will further be published in designated newspapers as well as on the revised Information Notices along with the individual voter's poll site and other pertinent information.

In response to a request by Commissioner Dent to consider adding the Amsterdam News to the list of newspapers that provides information to the public the General Counsel advised that the Board utilizes the Citywide Contract for legal notices and advertisements that provide the lowest cost. It is our understanding that the Amsterdam News is not on that contract.

Secretary Umame moved to approve the 2008 BMD Outreach Plan. President Sampel seconded the motion, which was adopted unanimously.

The Director of Public Relations asked the Commissioners for a determination with respect to the spending plan for the federal HAVA Grant for Public Education. She advised that under the plan the NYC Board of Elections would spend \$3,562,596.00 for the training and education plan.

Commissioner O'Connor moved to approve the proposed spending plan. Commissioner Graham seconded the motion, which was adopted unanimously.

The Executive Director reported that:

- A) The State Board of Elections and SOE Software will hold a Poll Worker Training Demonstration at the NYC Board's Executive Office on July 2, 2008 at 10:00 A.M.
- B) The ES&S Auto MARK Device crashed when a portrait ballot with multiple write-in candidates was entered. Board staff together with ES&S identified a problem with the firmware. Changes to the firmware would require recertification by the State Board of Elections and further delay delivery of the devices. Considering that the State Board has conducted acceptance testing on over 300 of these devices with this defective firmware, he asked the

Commissioners to authorize the NYC Board to advise SBOE that it will not accept delivery of these machines until we are assured that the correct federal and state certified versions of the software/firmware has been installed.

Secretary Umame moved to adopt the Executive Director's proposal. President Sampel seconded the motion, which was adopted unanimously.

The Administrative Manager noted that these delays impede the work that the NYC Board must conduct for the 2008 Primary Election. After discussion, Secretary Umame moved to authorize the Executive Director to send a letter to the State Board advising them of the position that the NYC Board just adopted. Commissioner O'Connor seconded the motion, which was adopted unanimously.

C) The State Board of Elections has scheduled a hearing regarding Robert McFeeley's HAVA Complaint for Wednesday, June 25, 2008 at 10:00 A.M. The General Counsel and Campaign Finance Enforcement Officer will attend.

D) He received letters from the Voters' Coalition and Council Member Simcha Felder requesting an Addendum for the 2006 Annual Report.

The Executive Director offered to draft an Addendum to the 2006 Annual Report for the Commissioners' review and include anything that is required by law.

E) The Executive Director gave brief comments regarding the New York State Election Commissioners' Association's (ECA) Summer Conference.

F) He gave a report at the City Council's Committee on Governmental Operations Oversight Hearing on Monday, June 23, 2008 regarding the 2008 HAVA compliance; and

G) The Commissioners can pick up their after-hour access cards in the lobby of 32 Broadway following the meeting.

The General Counsel introduced the two NY Law School students who would be interning at the NYC Board this summer.

The General Counsel provided the Commissioners with a revised Oath of Office for Poll Workers for their approval. Secretary Umane moved to approve the Revised Oath of Office for Poll Workers with amendment. Commissioner Dent seconded the motion, which was adopted unanimously.

The General Counsel reported that the Gelb Extender Bill [A. 10087] has passed both houses and was delivered to the Governor for his action. In addition, he reported that Inez Barron, a candidate for Assembly in the 40<sup>th</sup> Assembly District, has filed suit against the Board seeking to compel the Board of Elections to conduct an election in the 40<sup>th</sup> Assembly District for the term of office ending December 31, 2008 as well as the term ending January 1, 2009, as a result of the conviction of Assemblywoman Diane Gordon.

Mr. Donahue provided the Commissioners with a copy of the Board's policy regarding employees being granted additional time to cash their paychecks. He stated that some employees are abusing this policy and asked for approval to modify it. Commissioner Graham moved to remove the entire section of the policy, effective immediately. President Sampel seconded the motion, which was adopted unanimously.

Finance Officer John Ward provided the Commissioners with a copy of the Vacancy Report dated June 24, 2008 and the Comparative Expenditure Report dated June 17, 2008.

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

President Sampel reported that the following actions were unanimously adopted in the Executive Session:

- A) Unanimously approved the 2008 temporary allocation for all Borough Offices, effective immediately.
- B) Unanimously approved a 30-day sick leave extension for Glenda Allen, an Administrative Assistant in the Manhattan Office; and
- C) Unanimously approved the Commissioners' Hearing Committee recommendation to place Ashley Irizarry, an Administrative Assistant in the Bronx Office, on probation for one year.

President Sampel moved to adjourn. Secretary Sampel seconded the motion, which was adopted unanimously.

The President announced that the next meeting will be held on Tuesday, July 1, 2008 at 1:30 P.M.