

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, JULY 15, 2008  
AT 1:30 P.M.  
42 BROADWAY, EVS CONFERENCE ROOM  
NEW YORK, NY 10004

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

Commissioners Dent, Graham, Polanco, Schacher, Soumas, Yennella

Marcus Cederqvist, Executive Director  
George Gonzalez, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
John Ward, Finance Officer  
John Owens Jr., Campaign Finance Enforcement  
Joseph LaRocca, Coordinator, Candidate Records Unit  
Steve Ferguson, Director, MIS  
Michele Heitzner, Project Coordinator, HAVA  
Anna Torres, Deputy Chief Clerk, Bronx Borough  
Dawn Sandow, Deputy Chief Clerk, Bronx Borough  
Katherine James, Deputy Chief Clerk, Queens Borough  
Timothy Gay, Deputy Chief Clerk, Manhattan Borough  
Shiela Delgiorno, Chief Clerk, Staten Island Borough  
Anthony Andruilli, Deputy Chief Clerk, Staten Island Borough  
Rosanna Rahmouni, Coordinator, Election Day Operations  
Nicholas Bellucci, Election Day Operations  
Steve Thompson, Election Day Operations  
Lisa Swanson, Gartner Consultant  
Steven Denkberg, Counsel to the Commissioners  
Charles Webb III, Counsel to the Commissioners

GUEST:    Andrea Senteno, Citizens Union  
            Isreal Rodriguez, NYC Council  
            Marjorie Shea, Women's City Club  
            Mary Lou Urban, League of Women Voters

Alyssa Usui, Voters Assistance Commission  
Teresa Hummel, Community Church of New York  
Mark Herman

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President Sampel called the meeting to order at 1:39 P.M.

President Sampel moved to table the minutes of 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>, June 10<sup>th</sup>, June 24<sup>th</sup>, July 1<sup>st</sup>, and July 8<sup>th</sup> meetings. Secretary Umane seconded the motion, which was adopted unanimously.

The Executive Director reported that Valerie Vasquez delivered a baby girl on July 10, 2008.

The Executive Director provided the Commissioners with the BMD Delivery and Acceptance Testing Schedule. The EMS work streams continue to perform heavy testing on the machines. No problems have been identified. He gave a breakdown of the number of BMDs that have been received:

- 1) The Bronx has received 132 BMDs out of 150. Of those received at the Bronx Office 64 have been acceptance tested.

- 2) Queens has received 198 BMDs out of the 406. Of those received in the Queens Office 50 have been acceptance tested.
- 3) As of this morning, Brooklyn received 198 BMDs out of 535 and is scheduled to start Acceptance testing.

The Executive Director reported that a Bilal A. Malik, a candidate in the while inspecting Democratic Designating Petition KG080011832 was observed by Board staff writing in red pencil on said petition. He was instructed by Board staff to cease all such activity and escorted out of the building. The Executive Director provided the Commissioners with a copy of his draft letter dated July 15, 2008 advising Mr. Malik that he will no longer have access to any original documents filed with the Board for the remainder of the designating petition process.

Commissioner Soumas moved to direct the General Counsel to refer this matter to the Kings County District Attorney's Office for defacing a public document. Commissioner Graham seconded the motion, which was adopted unanimously.

The General Counsel provided the Commissioners with the first draft of the letter to the State Board of Election and others {Judge Sharpe and DOJ} outlining the problems the New York City Board of Elections faces in implementing the Ballot Marking Devices without adequate funding for their review and consideration.

Commissioner Schacher moved to table consideration of the letter to the State Board of Election until the next meeting. Secretary Umane seconded the motion, which was agreed to unanimously.

The General Counsel provided the Commissioners with a request for comment from the Acting Counsel to the Governor regarding S.7058. It requires that voter registration forms be amended to provide a check off box for organ and tissue donation and requires the Board just to note that fact and retain a list to be forwarded to the State Department of Public Health.

After discussion, Secretary Umane moved that the Board takes no position on the legislation. Commissioner Schacher seconded the motion, which was adopted unanimously.

The General Counsel reported that under the Chinese and Korean Language Voting Assistance Program Board staff working with the NYC Law Department developed this program to enable the Board to better meet its obligations under Section 203 of the Voting Rights Act. The NYC Board will designate Pollsites and then have the NYC Department of City Planning do a targeting analysis of the numbers of Chinese and Korean citizens under the Pre-clearance. The Board provided its data to the NYC Department of City Planning on Thursday, July 3, 2008 but the NYC Department of City Planning is unsure whether it can complete the targeting analysis by July 31, 2008. The General Counsel reported that other options would be to:

- A) Provide a modified form using voter registration information from 2005, which has been pre-cleared by the U.S. Department of Justice, rather than the current voter registration data.
- B) Do nothing and advise the U.S. Department of Justice that this process will take longer than expected and the Board will implement this program for the following year.

The General Counsel reported that he expects a definitive answer from the NYC Department of City Planning by Monday, July 21, 2008.

The General Counsel reported that in the past, the Board has accepted a “Printers’ Error Letter” submitted by the printers of petitions to clarify certain minor typographical errors. These letters have been submitted by the actual printer of a petition and dealt with small errors/omissions such as an incorrect/added or missing middle initial or a missing or incorrect digit in an address or zip code. The 1<sup>st</sup> Vice President of the Bronx County GOP submitted a letter advising of a printer’s error on petition #BX0800383. The Cover Sheet Review Committee (Secretary Umane and Commissioner Dent) has referred the matter to the full Board for consideration and determination of Board Policy.

Secretary Umane moved to accept these letters, now and in the future, from the people who say that they prepared it. Commissioner Soumas seconded the motion, which was adopted unanimously.

The General Counsel requested the appointment of an additional Petition and Cover Sheet Review Committee for Designating Petition matters. Following consultation, President Sampel and Secretary Umane designated the follow Commissioners Committees for:

Tuesday, July 15 - Commissioners Yennella & Sampel

Thursday, July 17 – Commissioner Schacher & Soumas

Monday, July 21 – Commissioners Polanco & Graham

The Coordinator of the Candidate Records Unit reported on the 2008 Primary Election Designated Petition Filing. He reported that:

- 1) They processed 13,085 candidacies. Of those 454 were for Public Office and the rest were for party positions.
- 2) They received 3,264 Designating Petition; and
- 3) 323 General Objections have been filed.

Mr. LaRocca advised that the public office candidates list have been posted on the Board's website.

Commissioner Polanco stated that Joseph LaRocca and his staff are doing a fantastic job, year after year, in processing all the petitions that come into the NYC Board of Elections.

The Finance Officer John Ward provided the Commissioners with the Comparative Expenditures Report dated July 8, 2008.

Commissioner Schacher moved to grant 30-day sick leave extensions for Florence Kotlowitz and Ameriar Feliciano, both Clerks in the Brooklyn Office and . Commissioner Dent seconded the motion, which was adopted unanimously.

The Coordinator of Election Day Operations provided the Commissioners with a copy of the Revised Plan C BMD Implementation and explained the plan for their consideration.

In response to the Commissioners, the Administrative Manager advised this plan does not provide additional staff to be stationed at the BMD. The Poll Workers will perform two jobs by assisting voters with the Shoup Lever Machines as well as the Ballot Marking Device.

Secretary Umame moved to adopt the Revised Plan C BMD Implementation, using alternative 2 [to add a modified BMD training component to selected inspector classes]. President Sampel seconded the motion, which was adopted unanimously.

The Coordinator of Election Day Operations reported that the EDO

staff Nicholas Bellucci and Steve Thompson designed a “Guide for BMD Accessories”, which is a visual guide that would be laminated and placed in the BMD for voter’s instruction.

Commissioner Graham asked the Borough Chief Clerks and Deputy Chief Clerks to ensure that temporary staffs assigned to Borough Offices do not abandon their duties on Election Day to work at a poll site.

Secretary Umame moved to convene an Executive Session to discuss personnel matters. President Sampel seconded the motion, which was agreed to unanimously.

The President reported that in the Executive Session the Commissioners took the following personnel action pursuant to Section 3-300 of the NYS Election Law:

- 1) Unanimously approved the appointment of Harris Solomon to replace Lisa Kenner, who resigned as an Administrative Assistant in the Executive Office at the salary of \$37,562, effective July 21, 2008; and
- 2) Unanimously approved a 30-day sick leave extension for

Dana Marshall, a Clerk in the Manhattan Borough Office.

Commissioner Dent moved to adjourn. Commissioner Soumas seconded the motion, which was adopted unanimously.

The President announced that the next meeting will be held on Tuesday, July 22, 2008 at 1:30 P.M.