

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, AUGUST 7, 2008
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR HEARING ROOM
NEW YORK, NY 10004

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

Commissioners Dent, Graham, Schacher, Soumas, Polanco, 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
Steven Denkberg, Counsel to the Commissioners
Charles Webb III, Counsel to the Commissioners

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

President Sampel called the meeting to order at 1:43 P.M.

President Sampel announced that the Commissioners would conduct the Opportunity to Ballot Petition Hearings prior to the regular Board meeting and advised each Candidate/Objector and/or representative of the

procedures to be followed. The results of the hearings are reflected on the Clerk's Reports.

President Sampel convened the Board's regular meeting at 2:11 P.M.

President Sampel moved to table the minutes of the July 8th, July 15th, July 22nd, and July 29th meetings. Secretary Umame seconded the motion, which was adopted unanimously.

The Executive Director reported that:

- A) All 1,798 BMDs have been delivered and acceptance tested. 50 of those BMDs need to be repaired or replaced by the vendor.
- B) The Board will conduct public demonstrations on:
 1. Thursday, August 7, 2008 at 5:00 P.M., College of Staten Island; and
 2. Monday, August 11, at 5:00 P.M., Lehman College, Bronx

Other public demonstrations have been held in Brooklyn, Manhattan, and Queens.

- C) The EMS workstream is concerned about the instructions on the BMD. When a voter uses any of the Accessibility Devices such as the headphones, rockerpaddle or sip and puff, the instructions are not clear and require some method of clarification. He advised that he would keep the Commissioners informed of further developments.
- D) Board staff request direction from the Commissioners with the 13th Congressional District.

The President opened the floor for brief comments in the discussion regarding the 13th Congressional District from:

- A) J.P. Sipp, Law Chairman of the Staten Island Republican Party.
- B) John Friscia, Chairman for the Staten Island Republican Party.

After a lengthy discussion, Commissioner Polanco directed the General Counsel to send notices to the respective party Candidates/Objectors and/or their representatives under Rule J6, asking them to appear at the next Commissioners meeting on August 19, 2008 at 1:30 P.M. President Sampel seconded the motion, which was adopted unanimously.

John O'Grady, Chief Voting Machine Technician recommended that in accordance with the Election Law, the respective Borough Commissioners authorize their borough managers to combine Election Districts with under 100 enrolled voters conducting primaries with an adjacent election district, provided that the total number of enrolled voters having primaries not exceed 500, for the September 9, 2008 Primary Election.

The Coordinator of the Candidates Records Unit presented the Commissioners with a draft copy of the Notice to Candidates for the September 9 Primary Election for their review. He asked the Commissioners to approve the draft Notice to Candidates at their next meeting.

The Coordinator of the Candidates Records Unit reported that the Board received two Designating Petitions filed on August 6, 2008 by Guillermo Philpotts, a candidate in the 20th Senate District as well as a cure to a Notice of Non-compliance mailed on July 17, 2008 for their consideration and asked the Commissioners for a determination with respect to a hearing date. After discussion, Commissioner Soumas

directed the General Counsel to forward the documents to the Corporation Counsel, noting that Mr. Philpotts has commenced action in Federal Court. Secretary Umame seconded the motion, which was adopted unanimously. In addition, the Commissioners unanimously agreed to hear matters relating to the Designating Petitions and the Notice of Non-Compliance on Tuesday, August 19, 2008, at 1:30 P.M. prior to the Board's regular meeting.

Gartner Consultant Lisa Swanson provided the Commissioners with a draft copy of the Proposed Spending Plan for Poll Worker Training under the HAVA Grant Funds for their review in the absence of the Coordinator of Election Day Operations. The Executive Director asked for a determination at the next meeting.

The Coordinator of Voter Registration provided the Commissioners with a copy of a draft letter to voters who responded late to the Notice of Intent to Cancel for their approval. Commissioner Soumas moved to authorize the implementation and use of the letter with amendments. President Sampel seconded the motion, which was adopted unanimously.

The Finance Officer John Ward provided the Commissioners with the Vacancy Report dated August 7, 2008.

President Sampel moved to convene an Executive Session to discuss litigation and personnel matters. Commissioner Soumas seconded the motion, which was agreed to unanimously.

The President reported that the following action was taken in Executive Session pursuant to §3-300 of the NYS Election Law:

- 1) Unanimously approved the promotion of Mary Lee John in the Queens Office from a Clerk to an Administration Assistant, at the salary of \$39,440
- 2) Unanimously adopted a motion in order to comply with the Voting Rights Act, that the notices to voters who responded late to the Notice of Intent to Cancel will have an addition in each of the covered languages advising them that if they needed this notice sent in one of the covered languages, they must call the appropriate borough office.

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

The President announced that the Boards' next meeting will be held on Tuesday, August 19, 2008 at 1:30 P.M.