

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, AUGUST 26, 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 M. Umane

Commissioners Dent, Graham, Schacher, Polanco, Yennella

Marcus Cederqvist, Executive Director
George Gonzalez, Deputy Executive Director
John Ward, Finance Officer
Joseph LaRocca, Coordinator, Candidate Records Unit
Anna Torres, Deputy Chief Clerk, Bronx
Dawn Sandow, Deputy Chief Clerk, Bronx
Diane Rudiano, Chief Clerk, Brooklyn
Maryrose Sattie, Deputy Chief Clerk, Brooklyn
Troy Johnson, Chief Clerk, Manhattan
Barbara Conacchio, Chief Clerk, Queens
Katherine James, Deputy Chief Clerk, Queens
Thomas Sattie, Ballot Coordinator, Candidate Records Unit
Lucille Grimaldi, Director, EVS
Rosanna Rahmouni, Coordinator, Election Day Operations
Beth Fossella, Coordinator, Voter Registration

GUEST: Jim Cunningham, Managing Director, Burson-Marsteller
 Andrea Senteno, Citizens Union
 Marjorie Shea, Women's City Club
 Alyssa Usui, Voters Assistance Commission
 Isreal Rodriguez, NYC Council
 Adrienne Kivelson, League of Women Voters
 Mary Lou Urban, League of Women Voters
 Marjorie Gersten, Community Church of New York

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

Commissioner Dent acknowledged that today is Commissioner Schacher's birthday.

President Sampel moved to adopt the minutes of July 22, 2008 and July 29, 2008. Commissioner Dent seconded the motion, which was adopted unanimously.

President Sampel moved to table the minutes of the August 7th, August 12th, and the August 19th meetings. Secretary Umame seconded the motion, which was adopted unanimously.

The Executive Director reported that the NYC Board of Elections filed a HAVA Formal Complaint alleging violations of Title III of the Help America Vote Act of 2002 (42 U.S.C. §§ 15481 – 15485) and related State Law by the New York State Board of Elections, pursuant to §3-105 of the New York State Election Law, which was unanimously approved by the Commissioners of Elections in the City of New York but the State Board of

Elections will not initiate complaint proceedings until the NYC Board of Elections files the complaint on their form.

Secretary Umame directed Board staff to resubmit the NYC Board of Election's HAVA Complaint on the State Board of Elections' form. Commissioner Schacher seconded the motion, which was adopted unanimously.

The Executive Director provided the Commissioners with several sample I.D. tags for the BMD inspectors and asked for a determination. After discussion, Commissioner Graham selected sample tag #1 which reads, "*Democratic Inspector also trained on the BMD*". Secretary Umame seconded the motion, which was adopted unanimously.

The Coordinator of the Candidate Records Unit reported on the decision by the N.Y.S. Supreme Court – Bronx County in the matter of Lawton et. al. v. The Board of Elections in the City of New York et. al. [Index No. 306398-08]. He reported that on August 18th the Board received a decision from Bronx Supreme Court restoring candidate Wilbert T. Lawton, Democratic Party Male District Leader in the 79th A.D., to the

ballot. Mr. Lawton was removed from the ballot originally by the Board. Yesterday, we received a telephone call inquiry regarding other candidates that appeared on the same petition as Mr. Lawton for the office of Male State Committee, Male and Female District Leaders, and Delegates/Alternate Delegates to the Judicial Convention in the 79th Assembly District at which we advised that the candidates were “off the ballot”. Later we received a call from Referee Segretti of the Bronx Courts who informed us that the original Lawton order had erroneously failed to reinstate the other party position candidates, as listed above, and asked if we would do so. Having no written decision to track/back up this requested change, we asked for an amended order. Mr. Segretti, who is on vacation, contacted the Judge who is also on vacation, and we received the amended decision late yesterday resulting in changes affecting five contest:

- A) Creates a new contest for Female State Committee, which has never existed in the past; and
- B) Added additional candidates to Female District Leader, Male State Committee and a slate of Delegates and Alternate Delegates to the Judicial Convention, which were already contested.

The Coordinator of Election Day Operations provided the Commissioners with a copy of the Revised Poll Worker Exception Report for the September 9, 2008 Primary Election. After discussion, Secretary Umane moved adopt the Revised Poll Worker Exception Report as submitted. Commissioner Graham seconded the motion, which was adopted unanimously.

The Coordinator of the Voter Registration Unit provided the Commissioners with a copy of an email dated August 22, 2008 from Johanna Miller, Policy Counsel for the New York Civil Liberties Union. Ms. Miller is seeking permission to hang Information Posters about registering to vote if you have a criminal record with the NYCLU's contact information, in various NYC Board offices. Ms. Fossella asked the Commissioners for a determination in this matter. After discussion, President Sampel moved to deny the NYCLU's request and asked the Coordinator of Voter Registration to send a reply to Ms. Miller explaining why they made that decision. Commissioner Graham seconded the motion, which was agreed to unanimously by all the Commissioners.

The Finance Officer John Ward provided the Commissioners with the Comparative Expenditure Report dated August 26, 2008.

The Executive Director introduced representatives from Burson-Marsteller who gave a presentation of their Public Information Plan. He asked the Commissioners to approve the plan after review.

The Managing Director Jim Cunningham gave an overview of their plan. After review and discussion, Secretary Umane moved to approve Burson-Marsteller's Public Information and Education Plan. Commissioner Dent seconded the motion, which was adopted unanimously.

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

The President reported that in the Executive Session the Commissioners made the following personnel actions:

- a) Unanimously appointed Delores Delayo to fill Miryam Gutierrez's position as Senior Computer Programmer in

the Executive Office, at the salary of \$86,720, effective August 31, 2008 and would fill the Personnel Director's vacant position after he's exhausted his leave time.

President Sampel moved to adjourn. Commissioner Polanco seconded the motion, which was agreed to unanimously.

President Sampel announced that the next Board meeting will be held on Thursday, September 4, 2008 at 1:30 P.M.