

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON THURSDAY, SEPTEMBER 4, 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 M. Umane

Commissioners Dent, Graham, Schacher, Soumas, Yennella

Marcus Cederqvist, Executive Director  
George Gonzalez, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steve Richman, General Counsel  
John Owens Jr., Enforcement Counsel  
John Ward, Finance Officer  
Joseph LaRocca, Coordinator, Candidate Records Unit  
Matthew Graves, Candidate Records Unit  
Michael Carmicino, Candidate Records Unit  
Thomas Sattie, Ballot Coordinator, Candidate Records Unit  
Steve Ferguson, Director, MIS  
Anna Torres, Deputy Chief Clerk, Bronx  
Dawn Sandow, Deputy Chief Clerk, Bronx  
Maryrose Sattie, Deputy Chief Clerk, Brooklyn  
Troy Johnson, Chief Clerk, Manhattan  
Timothy Gay, Deputy Chief Clerk, Manhattan  
Katherine James, Deputy Chief Clerk, Queens  
Beth Fossella, Coordinator, Voter Registration  
Steve 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  
              Mary Lou Urban, League of Women Voters

President Sampel called the meeting to order at 1:37 P.M.

President Sampel moved to adopt the minutes of August 7, 2008. Commissioner Dent seconded the motion, which was adopted unanimously.

President Sampel moved to table the minutes of the August 12<sup>th</sup>, August 19<sup>th</sup>, and August 26, 2008 meetings. Commissioner Graham seconded the motion, which was adopted unanimously.

President Sampel announced that the Commissioners would conduct Hearings relating to Independent Nominating Petitions for the November 4, 2008 General Election prior to the regular Board meeting. The results are reflected on the Clerk's reports.

The Executive Director reported that:

- A) Public inspection of the voting machines and Ballot Marking Devices was conducted on Tuesday, September

2, 2008. The machines are being delivered to poll sites in time for the Primary Election.

- B) An orientation session has been scheduled for Sunday, September 14, 2008 in the Manhattan Voting Machine Facility for ES&S Trainers who will be working on Election Day.
- C) As per the Commissioner's direction, Board staff has resubmitted the NYC Board of Election's HAVA Complaint on the State Board of Elections' form.
- D) A data entry error occurred in the 64<sup>th</sup> AD that affected 4 Election District. Information Notices were mailed to 2,260 Democratic voters with the incorrect voting district. A revised/corrected notice was mailed yesterday.
- E) The General Counsel attended the VAC meeting held on yesterday.

John Naudus, a Senior Systems Analyst in the Electronic Voting System's Unit provided the Commissioners with a draft copy of the BMD Canvass/Recanvass Procedures for their approval. He explained that BMD ballots are not scanned on the Board's central scanning system; they are

manually canvassed and the results manually tallied and entered into the S-Elect system. After discussion, Secretary Umame moved:

- a) To use the approved language for canvassing Absentee and Affidavit ballots in Section 4-4.3 and incorporate that into the Canvass/Recanvass Procedures for both the BMD Ballots and BMD Affidavit Ballots.
- b) To change the last sentence in Step 4 of the BMD Ballots Procedures [page 2] to read, Step 5, “*when an AD is complete, pass all the ballots and Control Sheet[s] for the AD over to the BMD Tally Clerks*”.; and
- c) To move the language Step 2 of the BMD Affidavit Ballots to Step 3; add the language in Step 4 under BMD Ballots, to Step 2.

President Sampel seconded the motion, which was adopted unanimously.

The General Counsel reported on the following pending decisions:

- A) In the matter of Dawn Robinson, et. al. v. Cenceria Edwards, et. al., N.Y.S. Supreme Court – New York County, [Index No. 306398-08] – the Board of Elections in the City of New York is

ordered to add Cenceria Edwards as Female Member of the Democratic State Committee in the 56<sup>th</sup> A.D.

- B) NYS Court of Appeals, this morning, unanimously affirmed the Boards decision reversing Judge Smit and the Appellant Division, 2<sup>nd</sup> Department. There are not to be a second election for the term – from the date of the election December 31<sup>st</sup> – for any legislative vacancy which occurs after April 1, 2008.
- C) A hearing is scheduled for Wednesday afternoon before Judge Masumoto in the U.S. District Court, Eastern District of Queens in the case of Brown v. Board of Elections; and
- D) A hearing is scheduled for Monday afternoon in the case of Guillermo Philpotts v. Board of Elections.

The Finance Officer John Ward provided the Commissioners with the Vacancy Report dated September 4, 2008.

Secretary Umane moved to grant a 30 day sick leave for Shameen Chappell, a Clerk in the Bronx Office. Commissioner Graham seconded the motion, which was adopted unanimously.

The President opened the floor for brief comments from:

A) Joseph Garber

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

The President reported that in Executive Session the Commissioners made the following personnel actions, pursuant to §3-300 of the New York State Election Law:

a) Appointed Ellen Giwa to fill the position of Administrative Assistant vacated by Harris Solomon in the Executive Office, at the salary of \$37,562, effective September 7, 2008, which was adopted unanimously.

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

President Sampel announced that the next Board meeting will be held on Tuesday, September 16, 2008 at 1:30 P.M.