

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON THURSDAY, SEPTEMBER 23, 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, Polanco, Soumas, Yennella

Marcus Cederqvist, Executive Director
Pamela Perkins, Administrative Manager
Steve Richman, General Counsel
John Owens Jr., Enforcement Counsel
John Ward, Finance Officer
Matthew Graves, Candidate Records Unit
Thomas Sattie, Ballot Coordinator, Candidate Records Unit
Anthony Andruilli, Deputy Chief Clerk, Staten Island
Katherine James, Deputy Chief Clerk, Queens
Diane Rudiano, Chief Clerk, Brooklyn
Maryrose Sattie, Deputy Chief Clerk, Brooklyn
Troy Johnson, Chief Clerk, Manhattan
Timothy Gay, Deputy Chief Clerk, Manhattan
Rosanna Rahmouni, Coordinator, Election Day Operations
Beth Fossella, Coordinator, Voter Registration
Steve Denkberg, Counsel to the Commissioners
Charles Webb, Counsel to the Commissioners

GUEST: Marjorie Shea, Women's City Club
 Isreal Rodriguez, NYC Council
 Mary Lou Urban, League of Women Voters
 Teresa Hummel, Community Church of New York

President Sampel called the meeting to order at 1:47 P.M.

President Sampel moved to convene a meeting of the Board of Canvassers to certify the results of the September 9th Primary Election. Secretary Umane seconded the motion, which was adopted unanimously.

Commissioner Graham moved that the Board of Canvassers certify the results of the Primary Election held on September 9, 2008. Commissioner Polanco seconded the motion, which was adopted unanimously.

Timothy Gay, the Deputy Chief Clerk, New York County presented the Commissioners with reports of discrepancies in the canvassing of votes cast in Manhattan for the September 9th Primary Election.

Commissioner Soumas moved to certify the Canvass of Returns for the September 9, 2008 Primary Election in the Borough of Manhattan. Secretary Umane seconded the motion, which was adopted unanimously.

Maryrose Sattie, the Deputy Chief Clerk, Brooklyn County presented the Commissioners with reports of discrepancies in the canvassing of votes cast in Brooklyn for the September 9th Primary Election.

Commissioner Schacher moved to certify the Canvass of Returns for the September 9, 2008 Primary Election in the Borough of Brooklyn. Commissioner Dent seconded the motion, which was adopted unanimously.

President Graham moved to designate Commissioner Graham as the Acting Queens Democratic Commissioner and Commissioner Polanco as the Acting Queens Republican Commissioner of the Canvassing Board. Secretary Umane seconded the motion, which was agreed to unanimously.

Katherine James, the Deputy Chief Clerk, Queens County presented the Commissioners with reports of discrepancies in the canvassing of votes cast in Queens for the September 9th Primary Election.

Commissioner Soumas moved to certify the Canvass of Returns for the September 9, 2008 Primary Election in the Borough of Queens. Secretary Umane seconded the motion, which was adopted unanimously.

Secretary Umane moved to designate Commissioner Polanco as the second Republican member (in addition to the Secretary) to certify the

Canvass of Returns for the September 9, 2008 Primary Election in the Borough of Queens. Commissioner Soumas seconded the motion, which was agreed to unanimously.

Deputy Chief Clerks Anna Torres and Dawn Sandow, Bronx County presented the Commissioners with reports of discrepancies in the canvassing of votes cast in the Bronx for the September 9th Primary Election.

Commissioner Graham moved to certify the Canvass of Returns for the September 9, 2008 Primary Election in the Borough of the Bronx. Commissioner Polanco seconded the motion, which was adopted unanimously.

Anthony Andriulli, Deputy Chief Clerk, Richmond County reported no discrepancies in the canvassing of votes cast in Staten Island for the September 9th Primary Election and asked the Commissioners to certify the results.

Commissioner Graham moved to certify the Canvass of Returns for

the September 9, 2008 Primary Election in the Borough of Staten Island. President Sampel seconded the motion, which was adopted unanimously.

Commissioner Polanco moved to authorize staff to utilize the Commissioner's official signature stamps for the certification reports. President Sampel seconded the motion, which was adopted unanimously.

President Sampel moved to adjourn the meeting of the Board of Canvassers. Secretary Umame seconded the motion, which was adopted unanimously.

President Sampel moved to approve the minutes of the August 12th, August 9th, and August 26, 2008 meetings. Secretary Umame seconded the motion, which was adopted by a vote of 7 in favor (President Sampel, Secretary Umame, Commissioners Dent, Graham, Schacher, Polanco, Yennella) and 1 abstention (Commissioner Soumas).

President Sampel moved to table the minutes of the September 4th, and September 16th meetings. Commissioner Dent seconded the motion, which was adopted unanimously.

The Executive Director reported that 222,000 votes were cast on the Shoup Lever Machines in the September 9th Primary Election; 850 of those were on the Ballot Marking Devices, Citywide.

The Executive Director reported that the NYS Board of Elections request a meeting with the NYC Board of Election's IT staff to discuss the Statewide Voter Database. The General Counsel reported that in a telephone conversation with NYS Assistant Attorney General Michael Devorkin on yesterday, Mr. Devorkin informed him that the NYS Department of Justice requests the NYC Board's full participation.

After discussion, Secretary Umame moved to authorize the NYC Board's IT staff to meet with the NYS Board of Elections regarding the Statewide Voter Database. Commissioner Schacher seconded the motion, which was adopted unanimously.

The Executive Director reported that the NYC Board has been invited to testify before the NYC Council Committee on Governmental Operations on Friday, September 26, 2008 at 10:00 A.M.

The Executive Director reported that the NYS Comptroller's Office will conduct a Statewide Audit of the NYC Board of Elections with respect to poll workers and voting machines. Someone from the NYS Comptroller Office is expected to meet with Executive Management on Wednesday, September 24, 2008 at 10:00 A.M. in the Executive Office.

The General Counsel provided the Commissioners with a corrected Memorandum dated September 23, 2008, recommending Friday, October 3, 2008 at 11:00 A.M. as the date for Hearings on Specifications relating to Judicial Candidate Nominees. He also recommended that the Commissioners reschedule the Board's next meeting to Tuesday, October 7, 2008 at 1:30 P.M. since Tuesday, September 30, 2008 is the Jewish New Year. After discussion, Secretary Umame moved to designate President Sampel and himself as the Commissioners Committee to hear matters relating to Judicial Candidate Nominees. President Sampel seconded the motion, which was adopted unanimously.

The President announced that the next regular Board meeting will be held on Tuesday, October 7, 2008 at 1:30 P.M. which was agreed to unanimously by all the Commissioners.

Matthew Graves provided the Commissioners with a copy of the Non-Compliance Periodic Expenditure Report for July 15, 2007, in the absence of Joseph LaRocca, and requested their approval. Secretary Umame moved to table the July 15th Non-Compliance Periodic for two weeks. Commissioner Graham seconded the motion, which was adopted unanimously.

The Ballot Coordinator provided the Commissioners with the Official Ballot Order for the 2008 General Election and asked for their approval. Secretary Umame noted that the newly created 13th Judicial District is limited to Staten Island and the Congressional District extends into parts of Brooklyn and is larger than the Judicial District, which would affect the order of the ballot. The President recommended that the matter be discussed in Executive Session, which was agreed to unanimously.

The Coordinator of Election Day Operations asked the Commissioners for approval to use the Executive Office and Borough Offices as sites for local registration on October 7th and October 11th. Commissioner Graham moved to authorize the use of the Executive Office and Borough Offices for local registration on Tuesday, October 7th and

Saturday, October 11th. President Sampel seconded the motion, which was adopted unanimously.

The Chief Voting Machine Technician reported that out of 4,748 Shoup Lever Machines used, only 3 had to be replaced on Primary Day. In addition, he reported that of the 317 calls received; 179 were necessary. Secretary Umane suggested that the Chief Voting Machine Technician add a column for BMD trouble calls to the report.

The Finance Officer John Ward provided the Commissioners with the Comparative Expenditure Report dated September 23, 2008.

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

The President reported that in the Executive Session, the following personnel actions were taken:

- A) Unanimously approved the reimbursement of \$4,542.96 to Ms. Dawn Sandow, the Deputy Chief Clerk at the

Bronx Board of Elections and an amount not to exceed \$500 to Commissioner James Sampel, as reimbursement for cost incurred due to criminal acts relating to their official duties/responsibilities at the New York City Board of Elections.

- B) The Commissioners authorized a Sub-Committee consisting of President Sampel and Secretary Umane to determine the order of the Ballot regard the 13th Judicial District, affecting Richmond County and too a smaller degree a portion of the 60th Assembly District, Kings County.

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

President Sampel announced that the next regular Board meeting will be held on Tuesday, October 7, 2008 at 1:30 P.M.