

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, OCTOBER 7, 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 Umare

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

Marcus Cederqvist, Executive Director  
George Gonzalez, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
John Owens Jr., Director, Campaign Finance Reporting  
John Ward, Finance Officer  
Joseph LaRocca, Coordinator, Candidate Records Unit  
Steve Ferguson, Director, MIS  
Barbara Conacchio, Chief Clerk, Queens  
Katherine James, Deputy Chief Clerk, Queens  
Diane Rudiano, Chief Clerk, Brooklyn  
Maryrose Sattie, Deputy Chief Clerk, Brooklyn  
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  
              Adrienne Kivelson, League of Women Voters  
              Andrea Senteno, Citizen's Union  
              Isreal Rodriguez, NYC Council  
              Judith Stupp, Commissioner designate, Queens  
              Jose Araujo, Commissioner designate, Queens  
              Mark Herman  
              Jerry Koenig

President Sampel called the meeting to order at 1:48 P.M.

The President introduced the two nominees for Commissioners of Elections for Queens County, Judith Stupp and Jose Araujo.

The President moved to approve the revised minutes of the September 4, 2008 meeting and the draft minutes of the September 16, 2008 meeting. Secretary Umane seconded the motion, which was adopted unanimously.

The President tabled the draft minutes of the September 23, 2008 meeting as well as the draft minutes of the October 3, 2008 Hearings on Specifications of Objections for NYS Supreme Court Justices. Secretary Umane seconded the motion, which was adopted unanimously.

The Executive Director reported that:

- A) A public demonstration of the Ballot Marking Devices is being held at Selis Manor, in Manhattan, this afternoon. An additional

public demonstration will be held, this evening, at the Adam Clayton Powell, Jr. State Office Building in Manhattan from 6:00 P.M. – 8:00 P.M. The Board will host other public demonstrations in each borough. Those dates, hours, and locations are posted on the web site.

- B) The NYC Board testified before the NYC Council Committee on Governmental Operations on Friday, September 26<sup>th</sup>. A copy of the Board's testimony is included in the agenda.
- C) Someone suggested, in an email he recently received, that a message should be included on the Board's website in the poll site locator that voters print/write there ED/AD information before going to vote. The Executive Director asked the Commissioners for approval to have the MIS Unit work with DoITT to make that modification to the Board's website. Commissioner Soumas moved to approve the Executive Director's request. Commissioner Schacher seconded the motion, which was adopted unanimously.

The Executive Director provided the Commissioners with a copy of the draft Statement on the Preliminary Nature of the Election Night Tallies

for their review and approval. Commissioner Soumas explained that the NYC Board of Elections is putting out this statement to explain what takes place after the closing of the polls on election night. After some discussion, Secretary Umane moved to authorize Board staff to release the Statement on the Preliminary Nature of the Election Night Tallies and distribute it appropriately. Commissioner Schacher seconded the motion, which was adopted unanimously.

In response to a question from Commissioner Polanco, the Executive Director reported that the last day to personally deliver absentee ballot applications for the General Election is Monday, November 3, 2008. A written request for absentee ballot applications must be postmarked no later than October 28, 2008. The deadline to register for the General Election is Friday, October 10, 2008. The Board's General Office will be open until midnight on October 10<sup>th</sup> to receive last minute registrations and the Borough Offices will receive voter registration forms Monday to Friday, during regular business hours. In addition, naturalized citizens sworn in after the last day to register but 10 days before the General Election can register, in person, at their Borough Office, Monday through Friday.

The Executive Director reported that he received a request for a meeting from Election Protection's Lawyers' Committee and asked the Commissioners for a determination. After discussion, Secretary Umame moved to authorize the Executive Director to meet with the Lawyers' Committee of the Election Protection Coalition. Commissioner Schacher seconded the motion. The motion failed by a vote of 4 in favor (President Sampel, Secretary Umame, Commissioners Schacher, and Polanco), 2 opposed (Commissioners Soumas and Yennella), and 2 abstentions (Commissioners Dent and Graham).

The Executive Director reported that the NYS Comptroller's Office conducted its Audit of the NYC Board of Elections. A follow-up meeting is scheduled this afternoon at 4:30 P.M. with Executive Management and representatives from the NYS Comptroller's Office.

The Deputy Executive Director asked the Commissioners for a determination with respect to setting office hours to accommodate voters who wish to vote by Absentee Ballot.

Secretary Umame moved that Borough offices shall accommodate

voters who wish to vote by Absentee Ballot from 9:00 A.M. to 8:30 P.M. or a ½ hour before scheduled closing. The President seconded the motion, which was adopted unanimously.

The General Counsel provided the Commissioners with a letter from John O’Grady, the Chief Voting Machine Technician, requesting Board approval, pursuant to §2604(e) of the New York City Charter, to serve as a Transportation Coordinator for the New York State Institute on Disability, Inc., a tax-exempt non-for-profit dedicated to family life and community inclusion for persons with developmental disabilities. He stated that he sees no conflict between Mr. O’Grady’s official duties and responsibilities at the Board of Elections and the work he will do as the organization’s Transportation Coordinator and its receipt of City funds. He recommended that the Commissioners grant approval for Mr. O’Grady to serve as the Transportation Coordinator of the New York State Institute on Disability, Inc. and direct the General Counsel to communicate the same, in writing, on behalf of the Commissioners to Mr. O’Grady and the Conflicts of Interest Board.

Commissioner Soumas moved to grant Mr. O'Grady's request to serve as the Transportation Coordinator of the New York State Institute on Disability, Inc. and directed the General Counsel to communicate the same, in writing, on behalf of the Commissioners to Mr. O'Grady and the Conflicts of Interest Board. Commissioner Schacher seconded the motion, which was adopted unanimously.

The General Counsel provided the Commissioners with an email dated October 2, 2008 from Jonathan Pines, Assistant Corporation Counsel from the New York City Law Department requesting assistance from the Board of Elections in responding to specific discovery demands made by the plaintiffs in *Ognibene v. Parks* (a challenge to the Campaign Finance Law's recent amendments relating to "pay to play"). Specifically, the plaintiffs seek information as "precinct" boundary changes since 2001. He asked the Commissioners for direction on how to respond to this request. Secretary Umane moved to defer further discussion to the Executive Session for litigation. President Sampel seconded the motion, which was agreed to unanimously by all the Commissioners.

The Director of MIS gave an overview of the NYC Board of Election's staffs meeting with the State Board of Elections' IT staff.

The Coordinator of Election Day Operations provided the Commissioners with the Poll Worker's Election Exception Report for the November 4, 2008 General Election and asked for their approval. In response to an inquiry from Secretary Umame, the General Counsel explained that there is no requirement, under the Help America Vote Act, regarding the closing of poll sites, or putting out notices, etc. The New York City Board, in previous elections, has assigned extra door clerks to poll sites to direct voters if emergency poll site changes were made within the last four days before the election, and we have not been able to send poll site change notices to the affected voters.

After some discussion by the Commissioners regarding whether to accept the Poll Worker's Election Exception Report for the November 4, 2008 General Election as submitted, Commissioner Soumas moved to table consideration of the Poll Worker's Election Exception Report until after Executive Session. President Sampel seconded the motion, which was agreed to unanimously by all the Commissioners.

The President opened the floor for a question from Ms. D. Marie Watson.

The 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 with an adjacent election district, provided that the total number of enrolled voters not exceed 500, for the November 4, 2008 General Election. Secretary Umane moved to combine EDs as set forth in the Board's policy. President Sampel seconded the motion. Commissioner Soumas disagreed and moved for additional discussion on the matter. Commissioner Graham seconded his motion. In a roll call vote on Secretary Umane's motion, 5 were in favor (President Sampel, Secretary Umane, Commissioners Dent, Schacher, Yennella), 3 opposed (Commissioners Graham, Polanco, and Soumas). The motion failed.

Mr. O'Grady inquired whether double machines should be sent out for the General Election. Secretary Umane moved to send the second voting machine to any Election District based on the number of enrolled voters in

the respective districts in descending order of the number of registrants. President Sampel seconded the motion, which was adopted unanimously.

Commissioner Yennella moved to combine EDs with under 100 enrolled voters for Staten Island only. President Sampel seconded the motion, which was adopted unanimously.

The Chief Voting Machine Technician asked for authorization to hire 18 additional temps to assist VMTs in setting up the Voting Machines for the November 4, 2008 General Election. Commissioner Graham opposed the request and moved to direct Mr. O'Grady to extend the current VMT's work hours in order to complete the necessary work assignments, which was agreed to unanimously by all the Commissioners.

Joseph LaRocca, Coordinator, Candidate Records Unit provided the Commissioners with the draft Notice to Candidates for the November 4, 2008 General Election. President Sampel moved to authorize the Candidate Records Unit to send the Notice to Candidates as submitted. Commissioner Graham seconded the motion, which was adopted unanimously.

Mr. LaRocca also provided the Commissioners with a copy of the Non-Compliance Periodic Expenditure Report for July 15, 2007 and requested their approval to commence legal action. Commissioner Graham moved to table the July 15<sup>th</sup> Non-Compliance Periodic for one week. Commissioner Soumas seconded the motion, which was adopted unanimously.

Commissioner Schacher moved to combine EDs with under 100 enrolled voters for Brooklyn sites only. Secretary Umane seconded the motion. Commissioner Dent moved to discuss the matter in Executive Session, which was agreed to unanimously by all the Commissioners.

The Finance Officer provided the Commissioners with copies of both the Comparative Expenditures Report dated October 7, 2008 and the Vacancy Report dated September 30, 2008.

The President moved to convene an Executive Session to discuss litigation and personnel matters.

Following the Executive Session, the President reported that the Commissioners took the following actions, pursuant to §3-300 of the New York State Election Law:

- A) Craig Churaman is promoted to Senior Computer Programmer in the MIS Unit, effective October 19, 2008, at the salary of \$64,597.
- B) Joseph Duffy, a temporary clerk in the MIS Unit, is appointed as Computer Programmer to fill the vacancy created by the promotion of Craig Churaman, at a salary of \$35,661, retroactive to June 1, 2008; and
- C) Unanimously authorized the Borough Commissioners Committee to combine EDs in their respective Boroughs.

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

The next Commissioner's meeting will be held on Tuesday, October 14, 2008