

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, DECEMBER 2, 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 Umare

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

Marcus Cederqvist, Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Valerie Vasquez, Director, Communications
Dorothy Delayo, Director, Personnel
John Owens Jr., Director, Campaign Finance Reporting
Elliot Borack, ACCO
Joseph LaRocca, Coordinator, Candidate Records Unit
Anna Torres, Chief Clerk, Bronx
Anthony Ribustello, Administrative Associate, Bronx
Maryrose Sattie, Deputy Chief Clerk, Brooklyn
Troy Johnson, Chief Clerk, Manhattan
Timothy Gay, Deputy Chief Clerk, Manhattan
Sheila Delgiorno, Chief Clerk, Staten Island
Anthony Andruilli, Deputy Chief Clerk, Staten Island
Beth Fossella, Coordinator, Voter Registration Unit
Steve Denkberg, Counsel to the Commissioners

GUEST: Mary Lou Urban, League of Women Voters
 Marjorie Shea, Women's City Club
 Adrienne Senteno, Citizen's Union
 Mark Herman
 Teresa Hummel, Community Church of New York

President Sampel called the meeting to order at 1:42 P.M.

President Sampel moved to convene a meeting of the Board of Canvassers in the City of New York to certify some of the results of the November 4th General Election. Secretary Umame seconded the motion, which was adopted unanimously.

The General Counsel reported that a recount for the 11th Senate District seat is being conducted and the Commissioners were not able to certify the results for Queens County today. Accordingly, the State Board requested that the Commissioners authorize NYC Board staff to send to the State Board the uncertified machine recanvass results for Queens County to be included when the State Board certifies the State-wide results on Thursday.

Richmond County Chief Clerk Sheila Delgiorno and the Deputy Chief Clerk Anthony Andriulli presented the Commissioners with the Statement and Return of Canvass of the votes cast in Staten Island for the November 4, General Election together with their discrepancy report and asked the Commissioners to certify the results.

President Sampel moved to designate Commissioner Graham as the second Democratic member (in addition to himself) of the Board of Canvassers to certify the Statement and Return of Canvass for the November 4, 2008 General Election in Richmond County. Secretary Umane seconded the motion, which was agreed to unanimously.

President Sampel moved to certify the Statement and Return of Canvass for the November 4, 2008 General Election in Richmond County. Commissioner Yennella seconded the motion, which was adopted unanimously.

Bronx Deputy Chief Clerk Anna Torres and Administrative Associate Anthony Ribustello presented the Commissioners with the Statement and Return of Canvass of votes cast in Bronx County for the November 4th General Election as well as their discrepancy reports. Commissioner Polanco thanked Deputy Chief Clerk Torres, Mr. Ribustello, and the entire Bronx staff for their tireless work and for preparing the reports before the Commissioner's for consideration. Commissioner Polanco reported that Deputy Chief Clerk Dawn Sandow is suffering from the flu and moved that the Commissioners authorize Anthony Ribustello to sign the reports on

behalf of the Republican Deputy Chief Clerk, which was unanimously agreed to.

Commissioner Graham moved to certify the Statement and Return of Canvass for the November 4, 2008 General Election in Bronx County. Commissioner Polanco seconded the motion, which was adopted unanimously.

Brooklyn Deputy Chief Clerk Maryrose Sattie presented the Commissioners with the Statement and Return of Canvass of votes cast in in Kings County for the November 4th General Election as well as their discrepancy reports.

Commissioner Dent thanked the Brooklyn staff for their hard work as well. She further acknowledged the work by the Chief Clerk and Deputy Chief Clerk in preparing these reports.

Commissioner Schacher moved to certify the Statement of Return and Canvass for the November 4th 2008 General Election in Kings County. Commissioner Dent seconded the motion, which was adopted

unanimously.

Manhattan Chief Clerk Troy Johnson and Deputy Chief Clerk Timothy Gay presented the Commissioners with the Statement of Return and Canvass of votes cast in New York County for the November 4th General Election as well as their discrepancy reports.

Secretary Umane thanked the Manhattan Board staff for their hard work and recognized the staff from other Borough offices who assisted the Manhattan Office in counting the unprecedented number of paper ballots. He reported that Board staff worked in shifts 24 hours a day 7 days a week to complete the canvassing of votes cast in the November 4th General Election. He said that he hopes that the people of the City of New York appreciate their hard work.

Secretary Umane moved to certify the Statement of Return and Canvass for the November 4th 2008 General Election in New York County. Commissioner Soumas seconded the motion, which was adopted unanimously.

Secretary Umane moved to designate Commissioner Stupp as the second Republican member (in addition to himself) of the Board of Canvassers to certify the Statement of Return and Canvass for the November 4, 2008 General Election in New York County. President Sampel seconded the motion, which was agreed to unanimously.

Secretary Umane 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.

The General Counsel asked the Commissioners to authorize Board staff to send the uncertified machine recanvasses results for Queens County to the State Board. Commissioner Stupp move to authorize Board staff to act in accordance with the General Counsel's request. Commissioner Araujo seconded the motion, which was adopted unanimously.

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

President Sampel then called the stated meeting of the Commissioners of Elections in the City of New York to order.

President Sampel moved to table the minutes of the November 18, 2008 and November 25, 2008 meetings. Secretary Umame seconded the motion, which was adopted unanimously.

Mr. Cederqvist stated that there are no new updates on HAVA. The Executive Director reminded the Commissioners that the officers and Executive Committee of the New York State Election Commissioners' Association (ECA) recently held a conference call with the State Board of Elections and that the State Board does not have a clear sense of the impact that SysTest's de-accreditation will have on the State's schedule for the new voting system certification. Due to the holiday, the State Board did not report to the federal court last week.

The General Counsel provided the Commissioners with copies of the Draft Independent Nominating Petition Rules for 2009 for consideration (included in the agenda). The General Counsel reported that as a result of the certification of the results of the General Election today, at least one

vacancy will be created in the New York City Council. Under the Charter, upon the submission of the resignation of Council Member Michael McMahon (D-Staten Island) who was elected to the U.S. House of Representatives, the Mayor will have to issue a Proclamation calling a Special Election within three days of the vacancy for the first Tuesday-45 days thereafter. The Charter mandates that the petition process be conducted by Independent Nominating Petition Rules. The General Counsel further reported that when the Queens office is able to certify the results of the November 4th General Election, at least two additional vacancies will probably be on the same calendar. He asked the Commissioners to consider adopting the Independent Nominating Petition Rules so they can be made available to those candidates who may seek to run in the Special Election(s). He also noted that the proposed draft contains no changes from the Adopted 2008 Independent Nominating Petition Rules.

Commissioner Soumas expressed concern with some of the language in the Independent Nominating Petition Rules as written and recommended adopting the Rules for the Special Elections only. Secretary Umane also expressed concern regarding on the on-going problem

between the statutory language for the form of the witness statement and the decision of the federal court holding that provision unconstitutional. Following discussion, the Commissioners agreed unanimously to table the Independent Nominating Petition Rules until the next meeting.

The Agency Chief Contract Officer asked the Commissioners if they had any questions pertaining to the contracts for After-Hours and Election Day Car Services, copies of which were provided to them at their meeting on November 25th. Being none he provided the Commissioners with copies of the Procurement Policy Board Rules for their review and information. The ACCO reported that over the last five years the NYC Board has used two vendors for the After-Hours Contract. There have been problems with both which required liquidated damages to be included into the contract. This new contract solicited bids from as many as five vendors to provide car service for the Bronx, Brooklyn, Manhattan, and Queens Borough Offices as well as the Executive Office. He invited them to contact him if they had any questions in the future.

The Finance Officer provided the Commissioners with a copy of the Vacancy Report dated November 25, 2008 as well as the Comparative

Expenditure Report dated December 2, 2008.

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

Commissioner Polanco recognized Commissioner Dent who is celebrating her birthday today.

Following Executive Session, the open public meeting reconvened. President Sampel reported that no action taken in the Executive Session.

Commissioner Soumas moved to direct the Executive Director to oversee an audit of all expense reports submitted by NYC Board of Elections employees and Commissioners during the period beginning January 1, 2007 through and including December 2008 to identify all charges reimbursed to employees and Commissioners but not specifically authorized by the New York City Comptroller's Directive No. 6 and to direct reimbursement to the Board of any improperly reimbursed charges in violation of the Directive 6. Secretary Umame seconded the motion, which

was adopted unanimously.

President Sampel moved to adopt the minutes of the November 18, 2008 and November 25, 2008 meetings with the necessary corrections. Commissioner Dent seconded the motion, which was adopted unanimously.

President Sampel moved to adjourn. Secretary Umane seconded the motion, which was adopted unanimously.

The next Commissioner's meeting will be held on Tuesday, December 9, 2008 at 1:30 P.M.