

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, DECEMBER 16, 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 Umame

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

Marcus Cederqvist, Executive Director
Valerie Vasquez, Director, Communications
Dorothy Delayo, Director, Personnel
John Owens Jr., Director, Campaign Finance Reporting
John Ward, Finance Officer
Joseph LaRocca, Coordinator, Candidate Records Unit
Steve Ferguson, Director, MIS
John O'Grady, Chief Voting Machine Technician
Charles Webb III, Counsel to the Commissioners
Steve Denkberg, Counsel to the Commissioners

GUEST: Israel Rodriguez, NYC Council
 Mary Lou Urban, League of Women Voters
 Marjorie Shea, Women's City Club
 Adrienne Senteno, Citizen's Union
 Tom Fisk, AM New York News
 Jerry Koenig
 Alan Flacks

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

Secretary Umame moved to adopt the minutes of the December 2, 2008 and December 9, 2008 meeting. President Sampel seconded the motion, which was adopted unanimously.

Mr. Cederqvist gave an overview of the conference call held between members of the New York State Election Commissioners Association and the staff of the New York State Board of Elections on Thursday, December 11, 2008. He reported that the Election Commissioners Association and the State Board have held a series of conference calls over the last couple of months to discuss certification of new voting systems. NYC Board staff listened in and reported that the federal Election Assistance Commission should be complete with their re-audit for the accreditation of Systest by the second week of January 2009. They also reported that someone on the call mentioned that certification of new voting systems is anticipated sometime in March of next year. He reported that the U.S. District Court's original timeline had the Commissioners of Elections selecting a new voting system in November of this year. If that timeline had been adhered too the NYC Board would have placed an order for a new system already. He hopes that the actual certification will occur sometime in March of next year.

Secretary Umane raised the question whether the NYC Board could prepare questions beforehand that would help the Commissioners in the decision process when certification is complete. The Executive Director explained that the original Request for Information (RFI) is being updated to be sent to Sequoia and ES&S who have OpScan systems available.

Commissioner Soumas recommended that Board staff schedule demonstrations of the two vendor's Ballot Marking Devices in each of the five boroughs in January 2009. Mr. Cederqvist stated that he would work with the Director of EVS.

Mr. Cederqvist reported that he attended the NYC Voter Assistance Commission's Bi-monthly Open Meeting and Annual Public Hearing. He stated that he gave some statistics pertaining to the November 4th General Election during the Bi-monthly Open Meeting and took notes during the Public Hearing that he will work with the Borough Offices to address.

Mr. Cederqvist reminded the Commissioners that the Committee on Governmental Operations has scheduled an Oversight Hearing regarding Election Day Lines: Examining the Problem and Proposing Solutions on

Wednesday, December 17, 2006 at 10:00 A.M.

The Finance Officer provided the Commissioners with a copy of the Comparative Expenditure Report dated December 16, 2008.

Commissioner Araujo move to authorize and empower the Board of Canvassers in the City of New York, composed of the duly elected President, Secretary, and two Queens Commissioners of the Board, to certify the votes cast in the November 4th General Election, Queens County at a special meeting. Commissioner Stupp seconded the motion.

Commissioner Soumas asked whether an order prohibits the Board of Canvassers in the City of New York from certifying the votes cast in the November 4th General Election in Queens County. He recalled that at the meeting of the Board of Canvassers on December 12, 2008, he asked if there was any single portion of Queens not affected by the 11th Senate District. All Congressional Districts as well as five Assembly Districts in Queens include a portion thereof. He further recalls reading that the Appellate Division has absolutely stayed all activity pertaining to the certification of the November 4th General Election in Queens County due to

this litigation. The Executive Director reported that Countywide Elections are prohibited from being certified but Legislative Districts are not enjoined in the order.

Commissioner Araujo provided the Commissioners with a breakdown of districts not affected by this litigation. They are the 23rd, 28th, 30th, 31st, 32nd, 34th, 35th, 36th, 37th, 38th, and 39th Assembly Districts as well as the 10th, 11th, 12th, 13th, 14th, 15th, and 16th Senate Districts. After discussion, the Commissioners unanimously agreed to defer consideration of Commissioner Araujo's motion.

The President opened the floor for comments/questions from:

- 1) Alan Flacks
- 2) Marjorie Shea, Women's City Club; and
- 3) Jerry Koenig

Commissioner Polanco moved to direct the Communications Director to issue a press release no later than Thursday, December 18, 2008:

A) With the successful numbers from the November 4th General Election, include approximate totals for some districts in Queens County; and

B) To explain the fantastic job Board staff performed on Election Day with the total number of votes cast on Election Day.

Commissioner Graham seconded the motion, which was adopted unanimously.

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

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

- Unanimously moved to terminate all but 6 temporary employees (3 Dems; 3 Reps) in the Borough Offices, effective close of business today. The motion was adopted by a vote of 8 in favor (President Sampel, Secretary Umane, Commissioners Dent, Como, O'Connor, Schacher, Soumas) 2 opposed (Secretary Umane and Commissioner

Yennella).

- Unanimously moved to terminate all but 7 temporary employees in the Phone Bank, effective close of business December 17, 2008. The motion was adopted by a vote of 6 in favor (President Sampel, Secretary Umane, Commissioners Araujo, Graham, Soumas, Yennella) 2 opposed (Commissioners Schacher and Stupp) 2 abstentions (Commissioners Dent and Polanco)
- Unanimously approved that Zvonimir Sovulj, a Clerk in the Manhattan Office, is appointed to fill the vacancy as a result of Christopher Lanzillotti's resignation, as Administrative Assistant in the Executive Office, effective December 22, 2008.
- Unanimously approved a 30-day sick leave advance for Shanette Brown, an Administrative Assistant in the Executive Office, for medical reasons.

Commissioner Graham moved to adjourn. President Sampel seconded the motion, which was adopted unanimously.

The President announced that the Commissioners will not meet on Tuesday, December 23, 2008.

The next Commissioner's meeting is scheduled for Tuesday,
December 30, 2008 at 1:30 P.M.