

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, JANUARY 12, 2010
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR COMMISSIONERS' ROOM
NEW YORK, NY 10004

PRESENT: President Julie Dent
 Secretary Juan Carlos "J.C." Polanco

Commissioners Araujo, Barrera, Schacher, Sipp, Soumas, Stupp, Umane

Marcus Cederqvist, Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Valerie Vazquez-Rivera, Director, Communications and Public Affairs
John O'Grady, Chief, Voting Machine Technician
Tom Sattie, Associate Staff Analyst, Candidate Records Unit
Stephen Thompson, HAVA Training Specialist, Election Day Operations
Steven B. Denkberg, Counsel to the Commissioners
Charles S. Webb, III, Counsel to the Commissioners

GUEST: Keith McGinnis, NAZTEC
 Jerry Koenig
 Stewart Armstrong, VAC
 Marjorie Shea, WCC
 Laurent Lawrence, Burson Marsteller
 D. Finch, Poll Worker
 Rima McCoy, CIDNY
 Teresa Hommel, wheresthepaper.org
 Jim Robbins, NYVV
 Andrea Senteno, Citizens Union Foundation
 Alan Flacks, Member of NY County Democratic Committee
 Roy Holland

President Dent called the meeting to order at 1:39 P.M. She announced that she is the new President for calendar year 2010 and welcomed everyone.

Secretary Polanco thanked his fellow Commissioners for allowing him to serve as Secretary for calendar year 2010. He noted that he is excited to work closely with President Dent.

Commissioner Umane moved to adopt the minutes of December 15, 2009, December 22, 2009 and December 29, 2009. Commissioner Barrera seconded the motion, with Commissioner Soumas abstaining. The motion was adopted.

President Dent presented the selection of a new poll site privacy booth for the City of New York and asked the Executive Director to elaborate. Mr. Cederqvist stated that the Board's workstream would give a presentation on the voting privacy booths and there were three (3) styles which will be demonstrated. The three (3) styles were as follows: 1. NAZTEC – single voting booth with wheels; 2. Pakflatt – four (4) voting stations per booth; and 3. Printelect - double voting booth. Mr. Cederqvist presented the workstream's written report which had rated the privacy

voting booths for the Commissioners' consideration.

Secretary Polanco requested for a brief description of the three (3) voting privacy booths.

The Chief Voting Machine Technician presented an overview of each privacy booth. Mr. O'Grady reported that NAZTEC is a single privacy booth that "nests" inside each other. They are free standing booths on wheels which are ADA compliant. The booth does not collapse and does not require assembly. The Pakflatt is a quad booth which requires assembly and also contains an ADA compliant booth. The Printelect is a dual booth which requires assembly – it's compared to a suitcase where the legs are folded underneath the unit and privacy panels flip up on the sides. President Dent inquired if the Board currently utilizes a NAZTEC booth. Mr. O'Grady replied that there is no privacy booth yet, but currently for affidavit and emergency ballots a standard, three (3) sided piece of cardboard sits on top of a table is used for privacy. President Dent inquired which privacy booth is the sturdiest in terms of durability. Mr. O'Grady stated that the evaluation team rated each privacy booth on twenty (20) different criteria and NAZTEC had the highest score. Secretary Polanco inquired about the warranty and maintenance service for each

booth. Commissioner Umane noted that the workstream's report indicates that NAZTEC has a warranty negotiable up to ten (10) years, Pakflatt has a lifetime guarantee and service calls for two (2) elections, and Printelect has a five (5) year warranty.

Secretary Polanco inquired if the privacy booths are multipurpose and if lighting is included. Mr. O'Grady replied that additional lighting can be purchased separately. That lighting can be clipped on, use a battery pack or a/c electrical, and LED or a conventional light bulb. He added that the privacy booths will only be utilized for voting on Election Day.

Commissioner Schacher inquired why there were additional privacy flaps on the PacFlatt. Mr. O'Grady stated that they can be extended higher for a very tall voter. Commissioner Barrera inquired how many NAZTEC privacy booths will be needed in a poll site compared to the Pakflatt and Printelect booths. Mr. O'Grady stated that approximately 17,000 NAZTEC single booths, approximately 5,000 Pakflatt quad booths and approximately 9,000 Printelect dual booths would be required. According to State Board's rules and regulations, the number of privacy booths depends on the number of voters and space in each poll site. Commissioner Barrera stated that the Pakflatt can hold up to four (4) voters at one (1) privacy booth

which will require less booths at the poll sites. Commissioner Soumas inquired about the exact cost of each privacy booth. Mr. O'Grady reported that NAZTEC is \$160 per unit, Pakflatt is \$600 per unit, and Printelect is \$210 per unit.

President Dent opened the floor for brief comments from Teresa Hommel, a member of the public, who raised concerns about the height of the NAZTEC privacy booth panels.

Commissioner Soumas requested for the three (3) voting privacy booths be set up and compared side by side by the Commissioners.

The Commissioners examined each privacy booth.

President Dent opened the floor for brief comments from Mr. Finch, a poll worker, concerned about the problems that a physical set-up of the privacy booths on Election Day would cause.

Commissioner Umane moved for the Commissioners to express their preference for one (1) of the three (3) poll site privacy booths (NAZTEC, Pakflatt, or Printelect) to be used in the City of New York beginning with the

September 2010 Primary Election. President Dent seconded the motion.

In a roll call vote of:

Eight (8) in favor for NAZTEC (President Dent, Secretary Polanco, Commissioners Araujo, Barrera, Schacher, Sipp, Stupp, Umane); and

One (1) abstention (Commissioner Soumas).

The Commissioners expressed their preference for the NAZTEC privacy booth.

Commissioner Umane explained why he preferred the NAZTEC privacy booth. He feels it is the easiest for the poll workers to handle, provides the most flexibility per poll site, sturdiest, has a ten (10) year warranty which is practical, potential graffiti could be wiped off with warm water and a rag, and scored the highest on the workstream's report.

Commissioner Schacher explained why she preferred the NAZTEC privacy booth. She liked that the booths are stackable, there is no assembly required and it is the easiest for the voters since it is a single unit.

Commissioner Stupp explained why she preferred the NAZTEC privacy booth. She stated that she agreed with Commissioner Umane's

reasons. Also, she likes that it is pre-assembled, has “nesting” storage, and the workstream gave it the highest rating. Commissioner Stupp feels it is the best choice for the poll workers.

Commissioner Polanco explained why he preferred the NAZTEC privacy booth. He stated that he agreed with the workstream’s highest score on the detailed report.

President Dent explained why she voted in favor for the NAZTEC privacy booth. She thanked the Board’s team for working very hard on this issue and also thanked the Commissioners for testing the privacy booths. President Dent reflected on a previous statement made by a poll worker in which the Board has to keep things easy for the poll workers and voters.

The Executive Director presented the HAVA update. He stated that last week the Commissioners selected ES&S as the permanent voting system for the City of New York. A copy of the City Board’s letter to the State Board informing them of the selection is in the agenda. Mr. Cederqvist reported that the State Board included the City and Nassau County Board’s new voting system selection in their HAVA Weekly Report to the federal court.

The General Counsel presented options for Board hearings for the February 9, 2010 Special Election to fill the vacancy in the New York State Assembly in the 24th Assembly District, Queens County. A copy of the proclamation which was issued on Tuesday, January 5, 2010 by the Honorable David A. Paterson, Governor of the State of New York, is in the agenda. Mr. Richman stated that in accordance with the provisions of the New York State Election Law and the Commissioners' prior actions, the Board issued the "Calendars for Certificate of Nomination and Independent Nominating Petitions for the February 9, 2010 Special Election in the 24th Assembly District." He stated that the calendars are posted at the Queens Borough Office as well as on the Board's website. Mr. Richman noted that the last day to file Certificates is Friday, January 15, 2010 and the last day to file Independent Nominating Petitions is Tuesday, January 19, 2010. General Objections must be received by January 19, 2010 for Certificates and January 22, 2010 for Independent Nominating Petitions. The last day to file Specifications of Objections for Certificates is Monday, January 25 while Thursday, January 28 is the last day to file Specifications of Objections for Independent Nominating Petitions. Mr. Richman recommended that in the event that hearings on challenges to said certificates and petitions are required to be held, the Commissioners set Friday, January 29, 2010 for said hearings (either by the full Board or a

committee thereof). In the event specifications are filed on Thursday night, January 28, 2010, then the hearings on those will have to be conducted early in the day on Monday, February 1, 2010. Commissioner Araujo requested that the full Board to conduct the hearings. Commissioner Umame moved to schedule said hearings and the stated Board meeting for Friday, January 29, 2010 at 1:30 P.M. and/or Monday, February 1, 2010, if necessary. President Dent seconded the motion, which was adopted unanimously.

President Dent opened the floor for brief comments from Jerome Koenig, a member of the public, concerned about the language of the Board's Petition Rules.

Secretary Polanco presented the report of the Commissioners' Public Education Committee. President Dent noted that she had the privilege of seeing Secretary Polanco on NBC-TV and he did a marvelous job. Secretary Polanco stated that it is an exciting time for the Public Education Committee. Last week he attended a Press Conference of Public Advocate Bill DeBlasio with Daniel Lavelle and Valerie Vazquez-Rivera where he offered his input on educating the public on the new voting systems and coincidentally a lot of Public Advocate DeBlasio's suggestions were already

being worked on by the Board. Secretary Polanco reported that Public Advocate DeBlasio had an interesting idea to alert people via text messaging for the new voting system demonstrations. Secretary Polanco commended and thanked Ms. Vazquez-Rivera and commended the Board's Public Education Workstream for working hard with Burson Marsteller to develop a message and raise public awareness of the new voting system. He reported that for the last six (6) months the Board has been preparing for the implementation of the new voting system. Some issues that have been reviewed include public outreach, message development, preparing for public demonstrations, an initial campaign concept for print media, and drafting campaign taglines. Burson Marsteller worked very closely with the Public Education Workstream in developing the taglines to get the voters comfortable and confident about the new voting system. Burson Marsteller conducted four (4) focus groups to review the taglines. The focus groups were comprised of very diverse participants. Burson Marsteller will provide the Board with a very detailed report for the Commissioners. Ms. Vazquez-Rivera submitted a proposed website page to the Commissioners that would encompass the public education component of the online marketing campaign. The public could view the new voting system on the website which includes how and why the Commissioners chose the new voting system. Hard copies of the

proposed website page were distributed to the Commissioners. Secretary Polanco requested approval from the Commissioners to post the website page as quickly as possible. He proceeded to report on other future issues that the Public Education Committee will be working on such as finalizing the message and tagline so that the Board raises awareness of the new voting systems on television, radio, online and print. He wants to ensure the public that the Board will visit every neighborhood, community board, organizations and public schools in New York City with campaign vans equipped with the new voting system. Secretary Polanco suggested for the Board staff to focus, contribute and bring their talents “to the table” in the workstream. He thanked Commissioner Soumas for meeting with him many times to discuss public education on the new voting systems. Commissioner Umane stated that he appreciates the hard work that the Public Education Committee has been doing, however from past practice, the full Board establishes and approves all policies and programs, not a committee of the Board. He raised specific questions about the Public Education Workstream’s plan: Is the Board buying new vans or utilizing the Board’s current vans? What budget is being allocated to the meetings in the neighborhoods, television, and print media? Is the report being presented today the final version? Commissioner Umane explained that most Commissioners are “in the dark” about the Public Education

Committee's plan. Secretary Polanco replied that the committee is very transparent in their discussions and meetings in reporting to the Commissioners. Today's request for approval by the Commissioners is for the webpage. He noted that he understands that the full Board establishes policies for the Board of Elections. Secretary Polanco stated that the vans will be operated by Burson Marsteller. They are also responsible for ensuring that the vans get to every neighborhood in New York City. The hard copies of the proposed website and campaign are works in progress. President Dent requested to hear input from Ms. Vazquez-Rivera and Commissioner Soumas who are members of the Public Education Committee. She thanked Secretary Polanco for doing a wonderful job on his presentation and understands all of the hard work they have done. Commissioner Soumas stated that at this point nothing has been accomplished in terms of a product. The committee met with Burson Marsteller and is providing guidance to them in terms of the direction that they think best suits and serves the constituents. The most important thing that the committee did was recognizing its own limitations and directed Burson Marsteller to take the ideas to focus groups. He explained that the hard copies that were distributed to the Commissioners earlier are some ideas which were taken to the focus groups. They are creative concepts and are not a finalized product yet. Commissioner Sipp was concerned

that there were two different statements made by Secretary Polanco and Commissioner Soumas and requested clarity. He was concerned that the vans are already planned for deployment. Commissioner Soumas confirmed that the vans are not. Commissioner Polanco added that the vans are in the \$6 million campaign plan. Commissioner Sipp felt that the campaign plan is much further along than what Commissioner Soumas explained. Commissioner Soumas requested for Ms. Vazquez-Rivera and Laurent Lawrence, a representative from Burson Marsteller, to clarify the campaign plan. Ms. Vazquez-Rivera explained that the campaign vans are included within the \$6.7 million contract signed with Burson Marsteller and they do not have the vans yet. She noted that there will be a detailed focus group report distributed to the Commissioners this afternoon. There is no calendar of events yet, but there is a commitment for the Board to go to the five boroughs working in conjunction with the Commissioners and Borough Chiefs. Ms. Vazquez-Rivera requested approval to post the one (1) webpage which was distributed to the Commissioners for review. Commissioner Umane moved to approve the webpage. President Dent seconded the motion, which was adopted unanimously.

Commissioner Umane felt that the webpage was more of a press release, and ultimately it should be linked to the Board's website.

Ms. Vazquez-Rivera replied that the webpage was developed because the new voting system is selected, there is media attention and the public is aware of it. The webpage contains a description of the new voting system, optical scanner and how it was ultimately chosen. Commissioner Schacher inquired about the other creative concepts developed by Burson Marsteller. Commissioner Umane stated that some of the creative concepts are clever, but he feels that the Board “missed the boat” on this. He feels that it should be images of the new voting system, not New York City neighborhoods and he recalled that he voted against using focus groups. He stated that the creative concepts are good, but it takes it away from the new voting system. President Dent inquired if the new voting machine image will be included in the ads. Ms. Vazquez-Rivera replied yes. Commissioner Araujo stated that he was part of the Public Education Committee and the advertisements were developed without the new voting system to see how everything looked in the background first. He felt it was important to zone in to each particular borough to make it more personalized to the people. Commissioner Soumas stated that one of the mindsets of the committee was to accept and recognized that the Commissioners are not the focus group. Commissioner Soumas stated that the ads are to help people to get used to the new voting system and to make them aware, comfortable and confident using it on Election Day. Commissioner Araujo stated that

speaking to a lot people in Queens, the new voting system has a fear factor of something new and the Board has to try and take that feeling away. Commissioner Stupp stated that she is a member of the Public Education Committee and believe that among the pieces, hopes that the focus groups would show the new voting machine and use the word “machine” in the ads. She feels it would be a missed opportunity if it does not appear in the ads. Commissioner Schacher inquired how the ads will attract the voter to the new voting machine. Commissioner Barrera stated that the creative concepts were prepared before the new voting system was selected so now they it is selected it will be added to the advertisements. Ms. Vazquez-Rivera added that creative concepts were developed in hopes of drawing people to visit the Board’s website or call the Board’s Phone Bank to inquire about the new voting system. Commissioner Umane feels that the focus of the ads is wrong. He feels that the people will not visit the website or call about the new voting machines. He believes to make people comfortable is to show the paper ballots, an image of the new voting system, and explaining that it’s like filling in an oval on a standardized test. He feels that the current creative concepts are detracting from the main purpose. President Dent stated when she became a Commissioner in 2007 she constantly asked Ms. Vazquez-Rivera when will the Board get the word out to the public, community

boards, senior centers, and community based organizations. She indicated to her that it was coming once the Commissioners selected the new voting machine and there was money in the budget for advertising. President Dent strongly she feels that if the vans go out to the community board meetings there will be a lot of people there such as heads of community based organizations as well as public that want to learn how to operate the new voting machine and the Board can train them. The advertisements will help along with Commissioner Umane has indicated as well and now that they have selected a machine to add it in the ad. She stated that they have to think collectively what the best is for the voter and how to get the message out and she thinks bringing it to the community will help and get more voters out there. She does not think that one way is just the right way, but there are a lot of ways collectively. Commissioner Araujo recommended an ad on how to fill out a ballot and placing it in subway cars where people can take the time to read it. President Dent opened the floor for Laurent Lawrence of Burson Marsteller to explain the campaign to the Commissioners. He stated that he has been working with the Public Education Workstream and the campaign plan is a multi-faceted approach – print, radio, television, and going out to the communities of New York City. Mr. Lawrence stated that it was beneficial to bring the ads to the focus groups before the selection of the new voting system. There was a

clean slate in that essence to get the feed back. Commissioner Schacher expressed her concerns that the current creative concepts do not peak her interest. Commissioner Umame inquired how Burson Marsteller is dividing up the \$6.7 million budget, particularly concerning the vans. Ms. Vazquez-Rivera replied that the vans are in the scope which was approved by the Commissioners at a prior meeting, but she will look into it. She added that there was an allocated budget. President Dent requested for Ms. Vazquez-Rivera to resubmit the budget to the Commissioners. Commissioner Soumas directed a comment to Commissioner Schacher. He stated that she and the Commissioners at the Board are not simple and are not the target audience. He respects everyone's ideas, but the focus groups are ideal for the campaign.

President Dent opened the floor for Teresa Hommel, a member of the public, who recommended the Board to research how other Board of Elections introduced their new electronic voting system.

Commissioner Polanco stated that Staten Island is not represented on the Public Education Committee and invited Commissioner Sipp to join.

President Dent stated that everyone has to keep in mind that this is only one aspect of the public education's campaign. She requested the public and the Commissioners give the workstream committee a chance because a lot is going to follow "down the pipeline." Commissioner Barrera added that it would have save a lot of discussion if it was clear from the beginning that this was just one form of advertisement. President Dent stated that Commissioner Barrera is correct, but she liked the discussion because people need to communicate and exchange ideas. Ms. Vazquez-Rivera added that the plan includes ads, website, educating the Board's Phone Bank, direct mailing to registered voters, local newspapers, radio, PSAs, requesting elected officials to dedicate space in their newsletter, stakeholders and earned media with media outlets.

President Dent thanked everyone for their ideas, thoughts, concerns, questions and statements as is related to the topic.

The Finance Officer presented the Comparative Expenditures Report dated January 12, 2010.

Commissioner Araujo moved to convene an Executive Session to discuss personnel matters. Commissioner Stupp seconded the motion,

which was adopted unanimously.

Following the Executive Session, the open public meeting resumed and President Dent reported that in Executive Session, the Commissioners took the following personnel actions:

- I. Upon receiving a report from the Commissioners Committee on the hearing held that day, the Commissioners terminated Angel Holcomb, Administrative Assistant, effective immediately. The motion was unanimously adopted.
- II. Unanimously approved an advance of 210 hours of sick leave for Lucille Forgione, a Clerk in the Queens Office.
- III. Unanimously approved the transfer of Ryan Deahn, Administrative Assistant in the Executive Office, from the Poll Site Accessibility Unit to the Candidate Records Unit.

The next stated meeting of the Commissioners is scheduled for Tuesday, January 19, 2010 at 1:30 P.M.