

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, MARCH 23, 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

George Gonzalez, Deputy Executive Director
Pamela Perkins, Administrative Manager
John Owens Jr., Director, Campaign Finance Enforcement
Dorothy Delayo, Director, Personnel
John Ward, Finance Officer
Daniel Lavelle, Supervisor, Phone Bank
Valerie Vazquez-Rivera, Director, Communications and Public Affairs
Gregory Lehman, Chief Clerk, Manhattan Borough Office
Nicholas Zimmitti, Associate Staff Analyst & President of Local 1183
John O'Grady, Chief, Voting Machine Technician
Rosanna Rahmouni, Coordinator, Election Day Operations
Stephen Thompson, HAVA Training Specialist, Election Day Operations
Michael Kinara, Associate Director, Gartner
Xandree Norville, Consultant, Gartner
Aparna Nistala, Consultant, Gartner
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Sal Pazhoor, NAZTEC
Rasheed Pazhoor, NAZTEC
Dan McGinnis, NAZTEC
Keith McGinnis, NAZTEC
Judd Ryan, ES&S
Jim Schmidt, ES&S
Andrew Moesel, ES&S
Todd Urosevich, ES&S
Vicki Crosby, ES&S

Mac Beeson, ES&S
Frank Salerno
Joseph Garber
Jerome Koenig
Carol Green, DCAS
Rima McCoy, CIDNY
Stewart Armstrong, VAC
Andrea Senteno, CUF
Alexander M. Dillon, DOI
Teresa Hommel, WheresThePaper
Marjorie Shea, WCC
Jim Robbins, NYVV
Jose Adames

President Dent called the meeting to order at 1:45 P.M.

Secretary Polanco requested to add an item to the agenda concerning the development of an ad hoc Committee in search for a new Executive Director.

Commissioner Barrera requested to discuss a Bronx personnel matter in public session.

Commissioner Barrera moved to approve the minutes of March 9, 2010. Commissioner Barrera withdrew her motion. Commissioner Soumas moved to table the minutes of March 9, 2010. Commissioner Araujo seconded the motion, which was adopted unanimously.

Mr. Gonzalez presented the HAVA update. He reported on the BMD upgrades. As of today, ES&S installed the new operating/firmware on 1,576 BMDs. The Board staff downloaded the operating/firmware on 1,360 BMDs and has verified the codes on 1,167 BMDs.

Mr. Gonzalez reported on the privacy booths. As directed by the Commissioners at the previous meeting, there was a public demonstration of the privacy booths from 11:30am – 1:30pm today. He reported that no one appeared. Commissioner Araujo inquired if a public notice was posted on the Board's website. Mr. Gonzalez replied yes. He asked for direction from the Commissioners on the selection of the privacy booth.

President Dent opened the floor for Dan McGinnis, a Consultant for NAZTEC.

Mr. McGinnis stated that he will clarify some issues for the Commissioners. He stated that he has been in the voting system business for over 30 years. In early February, NAZTEC complied with the Commissioners and got their privacy booth on the OGS contract. An issue arose regarding patent infringement, but there is no issue because the Board is protected from any infringement via the agreement with OGS.

NAZTEC is in the process of notifying OGS that any infringement would be defended by NAZTEC. Mr. McGinnis discussed the price and quality of the product. There was confusion with the price of \$160 per booth. At the workstream session, the Gartner consultants specifically asked the vendors not to quote prices. He stated that certain specifications were not complete on the NAZTEC privacy booth which was presented, such as lights and warranty. No firm price was quoted until the former Executive Director requested for it from NAZTEC on February 4. The correspondence was distributed at a previous meeting. Mr. McGinnis reviewed all minutes and noted that NAZTEC was rated #1. The quality is superior and easier for the poll workers. It will last for a long time and has all add-on requirements. Commissioner Schacher inquired about the warranty. Mr. McGinnis stated that it is a five (5) year warranty. Secretary Polanco thanked Mr. McGinnis for coming before the Commissioners and for being so persistent. He stated that it appears some disconnect with reality when originally the booths were presented pre-OGS contract. He noted that he will abstain from the vote today because there is an issue with integrity and the contract. Secretary Polanco inquired what NAZTEC is paying per booth because he is concerned for the tax payers. Mr. McGinnis stated that he does not recall quoting prices at the demonstration because it is not historically NAZTEC's way of doing business until they have the complete

specifications. Commissioner Soumas inquired how much money is being paid to Dominion for the OGS contract. Sal Pazhoor, a representative from NAZTEC, replied that it is \$15. Secretary Polanco inquired how many privacy booths will be ordered. President Dent replied 17,000. President Dent stated that the Commissioners have to vote today. They agreed that it is the sturdiest privacy booth and relied on the recommendation of the workstream which was scored the highest. She thanked the Commissioners for being very understanding and for listening and understanding the representatives of NAZTEC, ES&S and staff. President Dent also thanked the representatives of NAZTEC for attending the Commissioners' meetings each week. Mr. McGinnis stated that NAZTEC will lower the price by \$15, so each privacy booth would cost \$205. Commissioner Schacher moved to purchase the NAZTEC privacy booth at the price of \$205 each. Commissioner Barrera seconded the motion, with Commissioner Soumas opposing and Secretary Polanco abstaining. The motion was adopted.

Mr. Gonzalez reported on the supply cart. At the previous meeting, the Commissioners directed staff to get a lower price from ES&S. He received an email from ES&S quoting a lower price of \$480 per supply cart. President Dent clarified that ES&S lowered the price by \$10.

Commissioner Schacher inquired how many carts will be ordered. Mr. O'Grady reported 6,500 carts.

President Dent opened the floor for Judd Ryan, a representative from ES&S.

President Dent inquired if ES&S can lower the price of the cart by \$15 per cart. Mr. Ryan replied yes. The cost will be \$475 per cart with all specifications included. President Dent recalled that two (2) carts were presented at the previous meeting. She requested for the supply cart to be presented with all specifications. President Dent clarified that there is a five (5) year warranty. Commissioner Schacher moved to purchase the ES&S supply cart at \$475 each. Commissioner Araujo seconded the motion with Secretary Polanco and Commissioner Soumas abstaining. The motion was adopted.

Mr. Gonzalez presented a list of attendees for the State Board's Annual Conference in Albany, NY. A copy of the list is in the agenda. He requested approval of the list from the Commissioners. Commissioner Schacher moved to accept the list of attendees. President Dent seconded the motion, which was adopted unanimously.

President Dent thanked the Privacy Booth Selection Workstream and Supply Cart Workstream for working so diligently and to keep up the good work. Commissioner Araujo thanked President Dent and Secretary Polanco for spearheading the issue.

Secretary Polanco stated that he would like Board staff to participate in the State Board's Annual Conference. Mr. Gonzalez reported that the State Board of Elections briefs the county boards. As past practice, the staff will give the Commissioners an overview after the conference. President Dent added that she attends the State Board's Conferences and feels they are very informative.

Mr. Gonzalez reported that the ECA Summer Conference will be held on June 20 - 23, 2010 in Lake Placid, NY. The ECA inquired if he will be giving a presentation concerning the new implementation. Mr. Gonzalez told the ECA Chair that he will have to consider it because there is a lot of work to be done at the Board. President Dent strongly suggested for him to think about it.

President Dent requested a moment of silence on behalf of Mr. Richman whose father passed away. A moment of silence was held in honor of Elliott Richman.

Mr. Gonzalez reported on the contingency plan for staff reduction. Approximately two (2) weeks ago, he circulated an email regarding the Mayor's Proposed Preliminary Budget. There is a section that calls for staff reduction if he does not get funding from New York State. The Board would be required to reduce the staff by 109 positions. President Dent stated on behalf of the 4.5 million voters it will be very difficult for the Board to reduce their staff, especially with the implementation of the new voting machines. However, she understands a plan must be put together and the Commissioners need to think it through before it is addressed. Commissioner Schacher stated the Board is not like any other agency because we are subject to changes pursuant to the federal law. The Board needs 109 more people for future elections. Secretary Polanco agreed with Commissioner Schacher and suggested to write to the Mayor that it is impossible for the Board to reduce staff. Commissioner Schacher added that the Board has Special Elections adding to the burden and budget. Commissioner Soumas stated that within the constraints of whatever budget the Mayor proposes the Board has to develop a plan. He added

that the plan may not be acceptable under federal law. President Dent stated that the Commissioners have to think about which direction they should take, but today is not the day. Commissioner Umame stated that the focus is on Election Day, and getting there, by the Board staff. It is an enormous undertaking; everything has to be checked and double-checked and cutting the staff 1/3 down is unbelievable. Also, he questioned how the Board would handle processing voter registrations. Commissioner Sipp added that the new changes were thrust upon the Board. President Dent stated that she understands everyone and suggests for the Board to write another letter to the Mayor stating we cannot reduce our staff due to the implementation of the new voting machines. She asked for the good government groups in attendance to please get the word out about the importance of not reducing the staff, which would be very helpful to the Board.

President Dent recognized Andrea Senteno, a member of the public.

President Dent recognized Marjorie Shea, a member of the public.

President Dent recognized Teresa Hommel, a member of the public.

President Dent asked the Commissioners to please read the New York Daily News article, "Voters Losing Leverage: End for time-honored booth could bring confusion, chaos." A copy is in the agenda. The article reflects the Board's Testimony at the City Council's Preliminary Budget Hearing for 2011.

President Dent announced that she and Commissioner Schacher visited several poll sites today during the Special Election for Member of City Council in the 44th Council District, Brooklyn. One public school was under construction and indicated that the Board could not use the site. As a collaborative effort, the Board set-up tents outside the poll site and it is functioning well. President Dent thanked the Chief Clerk, Deputy Chief Clerk, and the staff for their hard work.

Mr. Gonzalez presented the Comparative Expenditures dated March 23, 2010 in the absence of the Finance Officer.

Ms. Vazquez-Rivera reported that initially she was going to request for the Commissioners' approval on the draft Public Education mobile truck and hand-out. Prior to the meeting, there was a Public Education Committee meeting and changes were substantial enough to redesign.

She requested for one (1) more week, so Burson Marsteller can redesign the draft mobile truck and hand-out.

Secretary Polanco reported on his added item concerning an Executive Search Committee. He recalled that at the previous meeting he asked the Commissioners to consider an Executive Search Committee to take some suggestions from the good government groups that attend the meetings regularly. Some suggestions were experience, education, and views and vision about the Board. He suggested an ad hoc committee to discuss the requirements for the position compiled of two (2) Republicans and two (2) Democrats. Commissioner Sipp stated that it is not necessary because candidates can submit their resumes to President Dent and the Commissioners can have the opportunity to review them. The Commissioners can make their own decisions and act accordingly. He does not want to be subject to a small committee. Secretary Polanco stated that the Executive Search Committee can dedicate the time and focus on this matter. Commissioner Sipp stated that ultimately the Board is transparent about the resumes they have received already. He stated that there are five (5) Republicans and five (5) Democrats who are appointed to perform this task. President Dent stated that the resumes can be posted on the Board's website. Commissioner Soumas strongly disagreed to post

the resumes online. He stated that the Commissioners have statutory responsibilities to run the Board and there are privacy issues if you post the resume on the website. President Dent stated that at the previous meeting, it was noted to submit and mail resumes to the Executive Office. It will take six (6) votes from the Commissioners for the next Executive Director. President Dent reported that only two (2) resumes have been received to this date. Secretary Polanco stated that the Executive Director position is very important and feels that the Board should make it more aware to the public. He suggested posting an advertisement in various places such as www.monster.com or the Wall Street Journal.

President Dent recognized Jerry Koenig, a member of the public.

Commissioner Barrera stated that there are nine million people in New York City with plenty of qualified candidates, so the Board does not have to advertise nationally. She feels that Secretary Polanco has a good idea, but it presents a problem for all Commissioners with limiting it to four (4) Commissioners to address the issue. She added that the good government groups can still provide the information to all Commissioners in the same manner. Secretary Polanco moved for the Board to consider creating an ad hoc committee to act as an Executive Search Committee for

a new Executive Director. Commissioner Stupp seconded the motion, with seven (7) opposed (President Dent, Commissioners Araujo, Barrera, Schacher, Soumas, Sipp, Umane). The motion was not adopted.

President Dent explained that the Commissioners are capable of reviewing the resumes and making their own decisions.

Commissioner Soumas requested to convene a party caucus.

Commissioner Barrera moved to advance 210 hours of sick leave for Damien Castro, a Clerk in the Bronx Borough Office, effective February 22, 2010. Secretary Polanco seconded the motion, which was adopted unanimously.

Commissioner Soumas moved for Wanda Davis, Temporary Clerk in the Manhattan Borough Office, to be promoted as a Clerk, due to the vacancy created by the promotion of Jesse Fleming, effective retroactive to the day of the vacancy. Commissioner Araujo seconded the motion, which was adopted unanimously.

President Dent convened a party caucus.

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

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