

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, DECEMBER 14, 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, Ryan, Schacher, Sipp, Soumas, Stupp, Umane

Dawn Sandow, Deputy Executive Director
Steven H. Richman, General Counsel
John Owens Jr., Director, Campaign Finance Enforcement
Dorothy Delayo, Director, Personnel
John Ward, Finance Officer
Valerie Vazquez-Rivera, Director, Communications & Public Affairs
Daniel Lavelle, Associate Staff Analyst, Phone Bank & Communications
James Barron, Temporary Attorney, OGC
Adam Dolce, Temporary Attorney, OGC
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Vera Osborn
Marjorie Shea, Women's City Club
Kate Doran, LWV
Cathy Gray
Jerome Koenig
John Smith
Rima McCoy, CIDNY
Alex Camarda, Citizens Union
Michael Lloyd
Alan Flacks, Member of NY County Democratic Committee

President Dent called the meeting to order at 2:00 P.M.

Commissioner Araujo moved to table the minutes of the September 28, 2010 meeting. Commissioner Stupp seconded the motion, which was adopted unanimously.

Ms. Sandow presented the proposed Voter Feedback Survey which would be posted on the Board's website after every election. A copy of the survey is in the agenda. Ms. Sandow reported that she received revisions from Mr. Lehman yesterday. Secretary Polanco inquired how the Board will urge voters to complete this feedback survey. Ms. Sandow replied that Ms. Vazquez-Rivera will create a plan for the public. Commissioner Araujo inquired how the survey would be monitored. Ms. Sandow stated that she would like to monitor the surveys with the assistance of the Executive Office staff. The Commissioners reviewed the survey questions. Commissioner Sipp recommended moving question #4 to the position of question #2, and to create, "Where did you vote?" as question #2. Secretary Polanco recommended moving question #10 to the position of question #3.

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

President Dent recognized Catherine Gray, a member of the public.

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

Ms. Sandow indicated that the word “format” will be changed to “layout” in question #2. Secretary Polanco moved to approve the proposed Voter Feedback Survey as discussed. Commissioner Umame seconded the motion, with Commissioner Soumas abstaining. The motion was adopted.

Ms. Sandow presented the New York State Election Commissioners Association 2011 Winter Conference agenda. A copy of the schedule is in the agenda. Ms. Sandow reported that Mr. Richman will be speaking about poll site accessibility and Mr. O’Grady will be speaking about the delivery and security of scanners.

Commissioner Araujo requested to discuss a Queens personnel matter in Executive Session.

Commissioner Soumas requested to add a legislative item on the agenda.

Commissioner Soumas recalled that the Board sent a letter to the

Chairs of the Senate and Assembly's Election Committees last year advising them that they were disenfranchising military voters under the current law. The law was never amended to accommodate the MOVE Act. Commissioner Soumas moved to send the same letter to the 2011 Committee Chairs in both houses to alert them about this legislative matter. Secretary Polanco seconded the motion, which was adopted unanimously.

Secretary Polanco convened a party caucus.

After the party caucus, the regular stated meeting resumed.

President Dent thanked Secretary Polanco for conducting the meeting in lieu of her tardiness.

Mr. Ward presented the Comparative Expenditures dated December 14, 2010. A copy of the report is in the agenda.

Mr. Ward presented the OTPS breakdown report. He distributed copies of the report to the Commissioners.

Mr. Richman presented the draft letter to the State Board regarding

outstanding issues and concerns with the statewide voter registration list. A copy of the draft letter is in the agenda. Mr. Richman drafted the letter under Commissioner Soumas' direction and it was emailed to the full Board last week. In the draft, the City Board requests that the State Board modify its regulations to insure that each and every transaction relating to the processing of a voter registration application/change is done on a bipartisan basis and an electronic record of the same is maintained and easily accessible. This will insure that the State Constitutional mandate is not only observed, but documented. Mr. Richman also attached the Board's State Legislative Proposal #10-11 which reflects the same fundamental goal.

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

Commissioner Soumas moved to authorize Mr. Richman to send the letter regarding outstanding issues and concerns with the statewide voter registration list to the State Board. President Dent seconded the motion, which was adopted unanimously. It was noted that Ms. Sandow will sign the letter.

Mr. Richman reported on CityTime. He recalled that the

Commissioners discussed this item last week and they directed him to research if other independent agencies are participating in this new program. Mr. Richman reported that the New York City Council, Brooklyn, Queens and Bronx Borough President's Offices are not participating in CityTime. Mr. Richman noted that the Brooklyn Borough President's Office would support the Board's decision if it chooses not to participate as well. Commissioner Soumas moved for the Board not to participate in the CityTime program. Commissioner Sipp seconded the motion, with Commissioner Umame abstaining. The motion was adopted.

President Dent opened the floor for comments from Todd V. Urosevich, the New York Regional Account Manager for ES&S. He stated that he would like to discuss the findings concerning the ballot image questions for the DS-200 Scanner which were presented to Ken Carbolito, Senior Vice President of ES&S, at a previous meeting. Commissioner Soumas recalled that the case involved two (2) ovals marked for the same office, but only one (1) oval was counted. He stated that the oval that was scanned had a lighter mark than the other oval and questioned why the darker oval was not read by the scanner. Commissioner Soumas asked what portion of the oval has to be filled in for it to be read by the scanner. Mr. Urosevich distributed copies of

documents to the Commissioners concerning this issue. He stated that if a voter fills in a certain amount of the oval and breaks its threshold then the vote is tabulated. If the voter does not fill enough in the oval, below the threshold, then the vote is not tabulated. Mr. Urosevich stated that the Board's scanners have Intelligent Mark Recognition (IMR). There are 572 pixels in the oval response area. If the mark is 30 pixels or less then it is a no vote, and if it is above 240 pixels then it is a vote. Any mark between 30 and 240 pixels gets read in the IMR routine. The buffer examines the consistency of the mark to a table predetermined and developed by ES&S then the scanner makes a decision. Commissioner Araujo recalled that ES&S presented at a previous meeting that a mark could be read at a minimum of 16 pixels, not 30 pixels. Mr. Urosevich stated that any mark under 30 pixels is classified as a no vote. Commissioner Araujo asked if the mark has to be in a particular location in the oval in order to be read. Mr. Urosevich replied no, but that the mark has to be consistent to connect subsequent pixels so the system can tell that there was an attempt to fill in the oval. He presented copies of the ballots that were submitted by the Board for review. Mr. Urosevich reported that ES&S examined the ballots and used the Resolve software which interprets how the scanner read the ballot. The software interpreted that it only read one (1) vote for Mr. McMillan. The mark for Mr. Barron's oval was not a consistent marking

with the pixel count. Commissioner Soumas asked how many marked pixels are in the ovals for Mr. Barron. Mr. Urosevich replied that he does not know. Commissioner Soumas recalled that he specifically requested to speak with an ES&S Engineer concerning this matter. President Dent thanked Mr. Urosevich for his presentation and requested for him to get the information for Commissioner Soumas' specific question.

President Dent recognized Michael Lloyd, a member of the public.

President Dent recognized Alan Flacks, a member of the public.

President Dent convened an Executive Session to discuss personnel matters.

Following the Executive Session, the open public meeting resumed and President Dent reported the actions that were taken in Executive Session:

- I. The Commissioners determined that Claudia Cribillero, a Clerk in the Queens Office, to be put on one (1) year probation, effective immediately.
- II. The Commissioners unanimously determined that all temporary

employees in the Executive Office will be terminated on December 31, 2010.

- III. By a vote of six (6) in favor (Araujo, Dent, Ryan, Schacher, Sipp, Umane), zero (0) opposed, and two (2) abstentions (Soumas and Stupp), a motion was adopted to hire twenty (20) temporary employees in the Executive Office (two (2) appointed by each Commissioner) effective January 1, 2011.
- IV. By a vote of six (6) in favor (Dent, Ryan, Schacher, Sipp, Stupp, Umane), zero (0) opposed, and two (2) abstentions (Araujo and Soumas), a motion was adopted for those Executive Office temporary employees reappointed effective January 1, 2011 that the rate of their compensation shall be the same as that at the time of termination. New hires will be compensated at the rate provided for Temporary Clerks in the collective bargaining agreement.
- V. The Commissioners unanimously determined that all Borough Office and Voting Machine Facility temporary employees will be terminated on December 17, 2011 at the close of business.
- VI. The Commissioners unanimously determined that all Borough Office and Voting Machine Facility temporary employees reappointed effective January 1, 2011 that the rate of their

compensation shall be the same as that at the time of termination. New hires will be compensated at the rate provided for Temporary Clerks in the collective bargaining agreement.

VII. President Dent received a total of three (3) resumes for the position of Executive Director. The names of the applicants are Mark Sattinger, Joshua Leinsdorf, and Daniel Maio. The resumes were submitted to the Commissioners and Ms. Delayo.

VIII. President Dent received an official letter of resignation dated December 8, 2010 from Anna Torres, Deputy Chief Clerk in the Bronx Borough Office. Her last day at the Board will be December 22, 2010.

President Dent noted that Secretary Polanco did not vote on the actions taken in Executive Session because he had to leave the meeting early.

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, December 21, 2010 at 1:30 P.M.