

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, MAY 3, 2011
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR COMMISSIONERS' ROOM
NEW YORK, NY 10004

PRESENT: President Juan Carlos "J.C." Polanco
Secretary Gregory C. Soumas

Commissioners Araujo, Dent, Ryan, Schacher, Umane

Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Owens Jr., Director, Campaign Finance Enforcement
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Stephen Thompson, HAVA Training Specialist, Election Day Operations
Rachel Knipel, Coordinator, Language Assistance Program
Nicholas Zimmitti, Associate Staff Analyst, Election Day Operations
Charles S. Webb, III, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Jerome Koenig
Stewart Armstrong, CFB
Marjorie Shea, Women's City Club
Rima McCoy, CIDNY
Teresa Hommel, wheresthepaper.org
John D. Smith
Alex Camarda, Citizens Union

President Polanco called the meeting to order at 1:30 P.M.

Commissioner Dent moved to approve the minutes of the
April 12, 2011 and April 26, 2011 meetings. Commissioner Araujo

seconded the motion, which was adopted unanimously.

President Polanco moved to fill the vacancy on the Election Night Results Reporting and Results Procedures Committee and nominated Commissioners Umane and Dent for the two (2) vacancies. Commissioner Schacher seconded the motion, which was adopted unanimously.

Secretary Soumas requested to add an Executive Session to the agenda to discuss a Manhattan personnel matter.

Ms. Perkins reported on poll site accessibility training for Chapter 505 Compliance. A copy of the email from the State Board is in the agenda. Ms. Perkins reported that the State Board is required to provide training to all county board of elections staff who will be conducting poll site accessibility training. The training sessions will be conducted by the State Board on May 11th, 12th, and 13th in the City Board's Executive Office. There will be fifteen (15) staff members per session. Ms. Perkins reported that the State Board did a presentation concerning this matter at the State Board's Annual Conference. A copy of the State Board's presentation is in the agenda. Ms. Perkins reported that the City Board will be charged \$200 per staff member and will be reimbursed through the HAVA grant. She

added that the State Board is partnering with the Center for the Independence of the Disabled, NY (CIDNY) and their representative Rima McCoy will be a training instructor. Ms. Perkins stated that the Commissioners are welcomed to join the training sessions as well. Commissioner Umane stated that the State Board should not be charging the local board of elections for training classes. Mr. Richman stated that the funds are being used to pay the trainers. Commissioner Schacher inquired about the time of the training sessions. Ms. Perkins reported that the classes will be a full day of training from 9:00A.M. to 5:00P.M.

Mr. Richman reported on the Annual New York State Board of Elections' Conference which was held from April 27, 2011 through April 29, 2011. A copy of the conference's program is in the agenda. Commissioners Dent, Schacher, and Stupp attended the conference as well as several Executive Office staff members and Borough Office Chief and Deputy Chief Clerks. Mr. Richman reported that the most productive items discussed were State Legislation, Ballot Design and Ballot Readability. The State Board is in the process of contracting to provide additional expertise to their staff concerning the ballots and the City Board asked if their ballot designers can meet with them as well. There was also discussion concerning the Federal MOVE Act to try and develop a

permanent electronic system to meet the requirements in terms of electronic communications to eligible Federal and Military voters for voting information and ballots. The State Board also discussed compliance for Chapter 505 which concerns poll site accessibility training. Mr. Richman stated that it was a great conference where the City Board continued to maintain discussion with all of the colleagues throughout New York State. Commissioner Schacher agreed that it was a wonderful conference. Commissioner Dent stated that the conferences are always very informative and the Commissioners and staff learn that other county board of elections face some of the same concerns as the City Board.

President Polanco noted that Commissioner Ryan joined the meeting.

President Polanco withdrew the Executive Session and stated that Secretary Soumas will report on disciplinary hearings as item #7 on the agenda.

Mr. Richman presented the proposed Designating Petition and Opportunity to Ballot Rules for the September 2011 Primary Election. He redistributed copies of the draft rules to the Commissioners. He indicated that there are no additional changes since last year's Primary Election.

Mr. Richman requested for the Commissioners' approval of the draft rules. Commissioner Soumas moved to adopt the Designating Petition and Opportunity to Ballot Rules for the September 2011 Primary Election. Commissioner Araujo seconded the motion. Before a vote, Commissioner Umane questioned some ambiguity concerning the rules. Secretary Soumas recalled that there was a dispute during the Special Election on what constituted filing. Mr. Richman added that it concerned the order of the ballot. President Polanco asked if the issue has been resolved. Mr. Richman stated that the current language for the adopted Rules for the 2011 Special Elections reflects the policy that Commissioner Umane announced at that the hearing during the Special Elections.

President Polanco recognized Jerry Koenig, a member of the public, who recalled that the Commissioners would try to make changes to the rules concerning Independent Nominating Petitions for the General Election.

President Polanco reminded that Commissioner Soumas moved to adopt the Designating Petition and Opportunity to Ballot Rules for the September 2011 Primary Election and Commissioner Araujo seconded the motion. The motion was adopted unanimously. Mr. Richman stated that

the rules will be posted on the Board's website.

Mr. Richman presented a State Legislative update. He reported that the NYS Election Commissioners Association (ECA) sent correspondence to all relevant individuals concerning the issues with the inception of the Federal MOVE Act. The ECA recommended for a change in the date of the Primary Election to the fourth Tuesday in June. Copies of the ECA letters are in the agenda. Mr. Richman stated that there is a continuing discussion on this matter. He reported that the State Board has Election Law Proposals for 2011. A copy of their legislative proposal is in the agenda. The State Board includes several language changes with the new systems and improved upon the City Board's bill with respect to the retention of unused ballots.

Mr. Richman reported on the City Board State Government and Information Day in Albany, NY on Tuesday, May 10, 2011. There are confirmed appointments with the Chair of the Assembly Election Law Committee and the Governor's Office staff. Mr. Richman stated that he is waiting to confirm an appointment with the Chair of the Senate Election Law Committee. The City Board will make a presentation during the luncheon with Assembly Member Millman, Senator O'Mara and the

Members of the Election Law Committee. Commissioner Umane recalled that they have run out of food and beverages during the luncheon in previous years. Mr. Richman reported that the City Board has increased the order of food and beverages this year. He reported that he will email the final schedule to the Commissioners by Friday. Commissioner Araujo requested for hard copies of the Recommended Revisions in the New York State Election Law for 2011 – Part 1. Mr. Richman noted that the Office of the General Counsel mailed one hundred (100) hard copies of the Recommended Revisions to Assembly Member Millman’s Office for the luncheon. Commissioner Dent thanked Mr. Richman for being very helpful and for providing his expertise at the State Board’s Annual Conference. He met with delegates from the Assembly and the Governor’s Office to inform them of the City Board’s plights.

President Polanco recognized Jerry Koenig, a member of the public, who inquired about the status of the Special Elections.

Mr. Thompson and Ms. Knipel recalled that they presented the proposed early training classes plan for Interpreters, Door Clerks, and Information Clerks at the previous meeting. They distributed copies of a revised report to the Commissioners. Mr. Thompson recalled that they

would like to start the Interpreters, Door Clerks, and Information Clerks training classes in the upcoming weeks. He stated that the early set of training classes would only train poll workers with prior experience. Mr. Thompson presented the cost summary for the early poll worker training per borough. The approximate total overtime cost for the five (5) boroughs would be \$17,281. He explained that the training cost was based on equal utilization of Temporary Clerks, Clerks and Administrative Assistant staff. Commissioner Umane moved to approve the early training classes plan for Interpreters, Door Clerks, and Information Clerks. He stated that the early training will permit proper focus on regular poll workers during the summer when the Board is very busy. This plan will aid the process tremendously. Commissioner Dent seconded the motion, with Commissioner Araujo abstaining. The motion was adopted.

Mr. Ward presented the Comparative Expenditures Report dated May 3, 2011. A copy of the report is in the agenda.

Mr. Ward distributed copies of the Board's Overtime Report for 4/3/11 to 4/16/11 to the Commissioners. Commissioner Araujo asked Ms. Perkins if the overtime is pre-approved by Executive Management. Ms. Perkins replied yes.

Secretary Soumas reported that three (3) disciplinary hearings were held in the Manhattan Borough Office. Secretary Soumas and Commissioner Sipp conducted two (2) hearings for two (2) employees; Rayvon Weaver and Yolanda Sanders. Secretary Soumas and Commissioner Sipp recommended for Mr. Weaver and Ms. Sanders to be placed on one (1) year probation and be obligated to attend and complete the Employee Assistance Program (EAP) on or before May 31, 2011, effective today. The failure to timely complete the program shall breach the period of probation and shall subject each employee to termination as of June 1, 2011. Commissioner Umane seconded the motion, which was adopted unanimously. Secretary Soumas reported on the disciplinary hearing regarding Vercelle King which was conducted by he and Commissioner Umane today. The Commissioners recommended terminating Mr. King's employment, effective immediately. Commissioner Umane noted that it was a committee recommendation. The full Board agreed with the report. Secretary Soumas asked Ms. Delayo to keep him informed of Mr. King's expiration of accumulated vacation and sick time.

Commissioner Dent inquired if there are any new resumes as it relates to the position of Executive Director. Ms. Delayo replied no.

Commissioner Dent wished all mothers a Happy Mother's Day.

President Polanco announced that Mr. Zimmitti has an informational item concerning poll worker applications.

President Polanco recognized Marjorie Shea, a member of the public, who inquired if the Board has a new Records Access policy. Mr. Richman replied that the policy has not changed. The 2002 Records Access policy, which is posted on the Board's website, remains enforced.

President Polanco reported that there is a disciplinary hearing after the meeting. He requested for a Republican substitute and asked Commissioner Umane to substitute him. Commissioner Umane agreed to substitute for the hearing.

Mr. Zimmitti distributed draft copies of the County Committee Democratic and Republican Election Inspector applications to the Commissioners. He noted that there were three (3) changes to the application as follows:

1. Every Borough Office's address is added to the application;
2. It is clearly specified that the Board needs a copy of the

applicant's social security card;

3. Added question #1, "Are you currently or ever been a New York City Employee?"

Mr. Zimmitti stated that he would like to start printing these applications. President Polanco stated that question #1 of being a New York City employee is ambiguous. He suggested revising the question to be more specific such as adding New York City Municipal Government Employee or Government of New York City Employee. Commissioner Umane suggested adding a question concerning the applicant's enrolled party. Mr. Richman stated that is not necessary for these applications. Commissioner Soumas suggested adding which New York City agency to question #1. Commissioner Dent requested clarity concerning any changes to question #1. Commissioner Schacher stated that question #1 is clear.

Secretary Soumas commended Teresa Hommel, a member of the public, for doing a great job as a trainer at the Board last year. He stated that he heard only positive feedback. Secretary Soumas also thanked and commended Rima McCoy, a representative of CIDNY, for getting involved in the training this year. He stated that when good people get involved the process is better.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, May 17, 2011 at 1:30 P.M.