

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, JUNE 14, 2011  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR COMMISSIONERS' ROOM  
NEW YORK, NY 10004

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

Commissioners Araujo, Ryan, Sipp, Stupp, Umane

John Owens Jr., Director, Campaign Finance Enforcement  
Dorothy Delayo, Director, Personnel  
John Luisi, Agency Chief Contract Officer  
Valerie Vazquez-Rivera, Director, Communications & Public Affairs  
Tom Sattie, Associate Staff Analyst, Ballot Coordinator  
John Naudus, Senior Computer Programmer, EVS  
Steve Ferguson, Director, MIS  
Beth Fossella, Coordinator, Voter Registration  
Daniel Lavelle, Associate Staff Analyst, Phone Bank & Front Counters  
Stephen Thompson, HAVA Training Specialist, EDO  
Steven B. Denkberg, Counsel to the Commissioners  
Charles Webb III, Counsel to the Commissioners

GUEST: Marjorie Shea, Women's City Club  
Sara Dennis, Citizens Union  
Jaqueline Lekhrhan, Citizens Union  
Zach Nathanson, for Assemblyman Brian Kavanagh  
Perrine Pradel  
Jerome Koenig  
Rima McCoy, CIDNY  
Teresa Hommel  
John D. Smith  
Alan Flacks, Member of NY County Democratic Committee

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President Polanco called the meeting to order at 1:38 P.M.

President Polanco recognized Jerome Koenig, a member of the public, who discussed Section 5-210 (8) of the NYS Election Law. He distributed copies of the law to the Commissioners. Mr. Koenig stated that the law used to require the bi-partisan processing of voter registration forms. The law was amended in 1996. The Legislature specifically deleted the requirement of the bi-partisan process providing that it was required if only one (1) Commissioner demanded it. Mr. Koenig believes that the State Board exceeded its authority when it adopted regulations reinstating a requirement of the law that the Legislature specifically deleted.

President Polanco recognized Teresa Hommel, a member of the public, who stated that it was not clear when the State Board representatives reported that NYSVoter is just a database and not a voter registration list. President Polanco replied that NYSVoter is a data bank and not a method of voter registration. Secretary Soumas stated that there is some skepticism because an employee in another county board with a discrepancy could alter another county's voter registration rolls. He stated that the whole purpose of that meeting with the State Board was to figure out what can and what cannot be done in the NYSVoter system.

Secretary Soumas moved to table the minutes of the May 31, 2011 meeting. President Polanco seconded the motion, which was adopted unanimously.

Commissioner Sipp requested to discuss a Staten Island personnel matter in Executive Session.

Secretary Soumas requested to discuss a Manhattan personnel matter in Executive Session.

Mr. Sattie presented the 2011 ballot layout. He distributed copies of the Primary and General Election Day ballots. The Primary ballot includes County Committee contests which was requested by Commissioner Sipp at the previous meeting. Mr. Sattie reported that the ballot complies with all legal requirements. He asked for approval of the ballot layout. President Polanco inquired if the ballots were reviewed by the Office of the General Counsel. Mr. Sattie replied yes. Commissioner Stupp inquired about the term "Vote for Any Two," the brackets, and ovals in the County Committee contests. Mr. Sattie replied that it is the legal language. Commissioner Stupp asked if voters have the option to vote for a candidate in the separate brackets. Mr. Sattie replied yes. President Polanco and

Commissioner Stupp noticed that the font appeared smaller and condensed in the County Committee contests. Mr. Sattie stated that he was told that the font size was uniform on the ballot. He noted that Mr. Naudus is attending the ECA Summer Conference this week, but will call him as soon as possible concerning this matter. President Polanco noticed that the Korean word for a candidate's name was missing. President Polanco stated that the Commissioners would like to review the appropriate font size before they approve the ballot layout. The Commissioners tabled the item for one (1) week.

In Mr. Ward's absence, Mr. Luisi presented the Comparative Expenditures dated June 14, 2011. A copy of the report is in the agenda. Commissioner Araujo requested for a detailed overtime usage report. Ms. Delayo distributed copies of that report to the Commissioners.

Mr. Thompson presented the proposed language for the Poll Watcher's Guide concerning the Poll Watcher's rights at the opening of the polls. A copy of his report is in the agenda. Mr. Thompson reported that he reviewed Section 8-500 (2) of the NYS Election Law with Mr. Richman and Mr. Owens concerning this matter. He recommended for the Poll Watchers to arrive at 5:00 A.M. before the unlocking and examination of

any voting machine to verify no votes have been cast and that the Ballot Boxes and Ballot Bin Liner Case are empty. Mr. Thompson noted that the Board requires the Poll Workers to be at their poll site at 5:00 A.M. and are requesting that the New York City Police Department (NYPD) be there at 5:00 A.M. as well. Allowing the Poll Watchers to arrive at the same time would let the process begin at 5:00 A.M. for all concerned and to ensure that the polls are opened at 6:00 A.M. Mr. Thompson noted that the current statute allows for the NYPD to arrive at 5:30 A.M. He reported that the NYPD granted the 5:00 A.M. request for the last General Election and anticipates that they grant it again. Commissioner Stupp asked if there is language in the Poll Watcher's Guide concerning the Poll Watchers standing a within a certain distance from the machines and Poll Worker tables. Mr. Thompson was unsure, but reported that in the Poll Worker's Manual only one (1) Poll Watcher can be near the ED/AD table. It is not specific of what near means. Commissioner Araujo inquired when the Inspector training classes begins and how soon the change needs to be implemented in the Poll Watcher's Guide and Poll Worker's Manual. Mr. Thompson reported that class starts on July 25, 2011 and the Training the Trainers class starts on June 20, 2011. He would like to implement the change as soon as possible. Commissioner Araujo was concerned that this information will be printed in the Guide and Manual before the Board

has a clear 5:00 A.M. commitment from the NYPD. He does not want to disseminate wrong information. Mr. Owens stated that the main idea was to give the Poll Watchers a base time of 5:00 A.M. because the NYS Election Law states for them to arrive at least fifteen (15) minutes before the opening of the polls. The Poll Watchers could miss the opening of the polls because the Poll Workers arrive at 5:00 A.M. to open the polls before 6:00 A.M. Commissioner Sipp and Secretary Soumas shared the same views that the Board is not at risk if they do not designate a certain time. Secretary Soumas stated that the Poll Watchers have the right to view the opening of polls, but are not obligated. Commissioner Sipp stated that the language for the Poll Watcher's Guide is already indicated in the NYS Election Law. Mr. Thompson stated that the concern is the interpretation of the fifteen (15) minutes before the unlocking of the machines. Commissioner Umane stated that the goal is to instruct the Board's Poll Workers as to what they can let the Poll Watchers do. The Poll Workers and the NYPD theoretically will arrive at the poll site at 5:00 A.M. The Poll Watchers would theoretically be there at 5:00 A.M. which is at least fifteen (15) minutes before the opening as the law states. The proposed language would provide information to the Poll Workers as to what is a reasonable time for the Poll Watchers to arrive at the poll site which would make it easier for them. President Polanco moved to approve

the proposed language for the Poll Watcher's Guide and Poll Worker's Manual. Commissioner Umame seconded the motion, which was adopted unanimously.

Mr. Ferguson reported on a conference call he had with the State Board's technical staff on June 10, 2011. He stated that the State Board will send the Death and Felon files directly to the City Board as a data dump by June 15, 2011. Mr. Ferguson stated that they discussed the Duplicates and pause process as well. There is an additional meeting scheduled for June 20, 2011 to discuss those matters further. Commissioner Araujo asked if the lists will be separated by borough when transferred to the Borough Offices from the Executive Office. Mr. Ferguson replied that each Borough Office will receive their county's lists.

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

President Polanco recognized Alan Flacks, a member of the public, who asked questions about the Board's Security Guard.

Following the Executive Session, the open public meeting resumed and President Polanco reported on the actions taken in Executive Session:

- I. The Commissioners granted Reginald Stark, a Senior Voting Machine Technician in the Manhattan Voting Machine Facility, seven (7) days of sick time under the Board's Policy.
- II. The Commissioners approved the hire of David Maurillo, as a Systems Administrator, at an annual salary of \$80,400, and Jeffrey Chin, as a Programmer Analyst, at an annual salary of \$65,000, effective Monday, June 20, 2011.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, June 21, 2011 at 1:30 P.M.