

HEARINGS RELATING TO SPECIFICATIONS OF OBJECTIONS
FOR THE APRIL 24, 2012 PRESIDENTIAL PRIMARY ELECTION AND
THE MEETING OF THE COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, FEBRUARY 28, 2012
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: Secretary Frederic M. Umame

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

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Valerie Vazquez, Director, Communications and Public Affairs
Raphael Savino, Director, Campaign Finance Reporting Enforcement
Troy Johnson, Coordinator, Candidate Records Unit
Rayvon Weaver, Administrative Assistant, Candidate Records Unit
Giacomo Kmet, Temporary Attorney, OGC
Joel Bermejo, Temporary Attorney, OGC
Charles S. Webb, III, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Marjorie Shea, Women's City Club
Rennie Hill
A.B. Britton
Kate Doran, LWV
John D. Smith
Judd Ryan, ES&S
Cathy Gray
Alan Flacks, Member of NY Democratic County Committee
Vera Daniels
M. Aronson

Secretary Umane called the meeting to order at 1:46 P.M.

Secretary Umane announced that the Commissioners will conduct the Hearings on Specifications of Objections to Presidential Primary Designating Petitions for the April 24, 2012 Presidential Primary Election before the regular stated meeting.

Secretary Umane announced the procedures to be followed during the hearing.

Mr. Richman reported that in accordance with the Commissioners' direction, notice was given to all interested and necessary parties concerning today's public hearing.

Mr. Johnson called the calendar for the hearings. He presented the CRU Prima Facie Report for Designating Petitions. There were no appearances. Commissioner Araujo moved to adopt the CRU Prima Facie Report. Commissioner Stupp seconded the motion. Before a vote, Secretary Umane noted that Board Staff indicated that there were no subscribing witnesses to one of the petitions, but that issue would generally

be raised in an objection. Secretary Umane was advised that candidate Vera Daniels arrived at the hearing. He recognized Ms. Daniels. After Ms. Daniels testified, the Commissioners recalled that Commissioner Araujo moved to adopt the CRU Prima Facie Report and that Commissioner Stupp seconded the motion. The motion was unanimously adopted. Mr. Richman stated that the candidates will not appear on the ballot and that Secretary Umane opposed to adopt page #3 of the CRU Prima Facie Report which concerns a subscribing witness statement issue.

Secretary Umane adjourned the Hearings and the stated meeting of the Commissioners was convened.

Commissioner Sipp announced with great sadness the loss of former Board Republican Commissioner Maryann Yennella of Richmond County. He stated that she was an excellent Commissioner and will be greatly missed. Commissioner Schacher noted that Ms. Yennella baked excellent cookies. Commissioner Sipp expressed his condolences to her family. The Commissioners held a moment of silence for Maryann Yennella.

Commissioner Araujo moved to adopt the minutes of the February 14, 2012 and February 21, 2012 meetings. Commissioner Soumas seconded the motion, with Commissioners Barrera and Schacher abstaining. The motion was adopted. Commissioners Barrera and Schacher noted that they were not present at those meetings.

Mr. Richman presented the draft Petition Filing Calendar for the June 26, 2012 Federal Office Primary Election. A copy of his memorandum is in the agenda. Mr. Richman stated that the draft calendar reflects the dates established by the Orders of the United States District Court for the Northern District of New York entered on January 27 and February 9, 2012 for petition circulation, filing, certification of the ballot, and the distribution of federal and military ballots for the June 26, 2012 Primary Election for Federal Office (non-Presidential). Commissioner Umame suggested scheduling the Hearings on Designating Petitions on Tuesday, May 1, 2012 at 1:30 P.M. unless there are sufficient challenges which will produce a heavy schedule. The Board would then provide proper notification to the parties and move the hearing to Monday, April 30, 2012 at 10:30 A.M. Commissioner Umame moved to adopt the Petition Filing Calendar for the June 26, 2012 Federal Office Primary

Election as amended. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. Richman presented the draft Designating and Opportunity to Ballot Petition Rules for the June 26, 2012 Federal Office Primary Election. A copy of the draft rules are in the agenda. Mr. Richman summarized the revisions. Commissioner Umame moved to adopt the Designating and Opportunity to Ballot Petition Rules for the June 26, 2012 Federal Office Primary Election. Commissioner Araujo seconded the motion, which was unanimously adopted. Mr. Richman stated that he will submit the rules to the Department of Justice (DOJ) for preclearance. Commissioner Soumas asked why the rules have to be resubmitted to the DOJ if they were used in past practice. Mr. Richman noted that there were some grammatical and typographical changes to the document that was precleared.

Mr. Richman requested approval of the draft cover letter to the Governor and the Members of the State Legislature transmitting the 2012 Recommended Revisions in the NYS Election Law. A copy of the draft cover letter is in the agenda. Commissioner Dent moved to approve the

cover letter. Commissioner Stupp seconded the motion, which was unanimously adopted.

Mr. Richman noted that he distributed copies of a letter from the NYC Law Department which concerns a proposal that was submitted by the NYPD and the Mayor last year to remove Police Officers at the poll sites on Election Day, except for the first hour in the morning and at the close of the polls. He requested for the Commissioners to review the letter.

Mr. Johnson requested for authorization to print the 2012 Presidential Primary ballots for military and federal voters upon receipt of the State Board certification. Commissioner Umane moved to authorize the printing of the military and federal ballots upon receipt of the State Board certification. Commissioner Soumas seconded the motion, which was unanimously adopted.

Mr. Ferguson requested to attend an Information Technology meeting with DOITT Commissioner Carole Post, Corporation Counsel Michael Cardozo, the NYC Law Department, and the General Counsels concerning the future of email management. The meeting is scheduled for

March 14, 2012 at the NYC Law Department's Office. A copy of the meeting request from Mr. Cardozo is in the agenda. Secretary Umane moved to authorize Mr. Ferguson and the appropriate staff members to attend the meeting. Commissioner Soumas seconded the motion, which was unanimously adopted. Mr. Richman noted that he did not receive an invitation to the meeting on the grounds that the Board is a non-Mayoral agency.

Ms. Vazquez reported that Incite, New York requested for her to serve on the Advisory Board for Incite Votes NYC, a nonpartisan grassroots voter registration and civic engagement campaign. A copy of the proposal is in the agenda. Ms. Vazquez reported that some of Incite's committed community and media partners are MTV, HOT 97, Rock the Vote, AARP and the NYC Campaign Finance Board. Ms. Vazquez requested approval to serve on the Advisory Board for Incite Votes NYC. Commissioner Umane stated that Ms. Vazquez can participate on her own, but not as a representative for the City Board. He reviewed the information and he personally feels that it is not nonpartisan and is directed to certain classes of people. Commissioners Sipp and Schacher agreed with Commissioner Umane. Commissioner Barrera inquired if the purpose of

the Advisory Board is to get more people involved in Board activities. Ms. Vazquez stated that the purpose is to register voters and to continue voter engagement. Commissioner Barrera stated that it would be an excellent idea for the Board to be involved with a grass roots organization such as Incite, New York. Commissioners Dent and Araujo agreed with Commissioner Barrera.

Secretary Umame recognized Marjorie Shea, a representative of Women's City Club, who stated that she attended the Voter Assistance Advisory Committee Meeting and they adopted some contracts in Executive Session. Ms. Shea stated that Incite is a product of Emmis Communications from Indiana that owns radio stations. She stated that she is surprised about this proposal and has some questions about it. Ms. Shea stated that she is uncomfortable singling out specific target groups.

Commissioner Barrera moved to authorize Ms. Vazquez to represent the Board by serving on the Incite Votes NYC Advisory Board. Commissioner Araujo seconded the motion. In a roll call vote, there was four (4) in favor (Araujo, Barrera, Dent, Soumas) and four (4) opposed

(Schacher, Sipp, Stupp, Umane). The motion was not adopted. Commissioner Dent noted that Secretary Umane indicated that Ms. Vazquez could join the Advisory Board as an individual. Commissioner Dent asked Ms. Vazquez if she would like to join the Incite Votes NYC Advisory Board. Ms. Vazquez replied yes.

Mr. Ward presented the Vacancy Report dated February 28, 2012. A copy of the report is the agenda.

Secretary Umane recognized Alan Flacks, a member of the public, who requested for a hard copy of the amended Petition Filing Calendar. Mr. Flacks recalled that Commissioner Sipp spoke about scissors at the previous meeting. Mr. Flacks recommended using X-Acto knives instead of scissors. Mr. Flacks reiterated that Police Officers should not be given the PMDs to download into a laptop at the close of the polls. He stated that only Board Staff should have control of that procedure.

Secretary Umane moved to convene an Executive Session to discuss personnel and litigation matters. Commissioner Sipp seconded the motion, which was unanimously adopted.

Following the Executive Session, the open public meeting resumed and Secretary Umane reported on the following action that was taken in Executive Session:

- I. The Commissioners unanimously granted an advance of up to three (3) months sick leave hours to Lollie Singleton, a Clerk in the Manhattan Office.

Commissioner Araujo moved to adjourn the meeting. Secretary Umane seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners is scheduled for Tuesday, March 6, 2012 at 1:30 P.M.