

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, JULY 8, 2008  
AT 1:30 P.M.  
42 BROADWAY, EVS CONFERENCE ROOM  
NEW YORK, NY 10004

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P R E S E N T:           President James Sampel  
                              Secretary Frederic Umare

Commissioners Dent, Graham, O'Connor, Polanco, Soumas, Yennella

Marcus Cederqvist, Executive Director  
George Gonzalez, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
Phil Donahue, Director, Personnel  
John Ward, Finance Officer  
John Owens Jr., Campaign Finance Enforcement  
Joseph LaRocca, Coordinator, Candidate Records Unit  
Diane Rudiano, Chief Clerk, Brooklyn Borough  
Maryrose Sattie, Deputy Chief Clerk, Brooklyn Borough  
Troy Johnson, Chief Clerk, Manhattan Borough  
Barbara Conacchio, Chief Clerk, Queens Borough  
Katherine James, Deputy Chief Clerk, Queens Borough  
Sheila Delgiorno, Chief Clerk, Staten Island Borough  
Anthony Andruilli, Deputy Chief Clerk, Staten Island Borough  
Nicholas Bellucci, Election Day Operations  
Steve Thompson, Election Day Operations  
Ed Fraga, Gartner Consultant  
Karen Viggiano, Gartner Consultant  
Steven Denkberg, Counsel to the Commissioners  
Charles Webb III, Counsel to the Commissioners

GUEST:    Marjorie Shea, Women's City Club  
            Mary Lou Urban, League of Women Voters  
            Andrea Senteno, Citizens Union  
            Isreal Rodriguez, NYC Council

President Sampel called the meeting to order at 1:40 P.M.

President Sampel announced that today's meeting is the last that will be attended by Commissioner O'Connor who is leaving the Board of Elections to pursue other career goals.

Commissioner O'Connor expressed his thanks and appreciation for the hard work, professionalism, and dedication that the Queens Borough staff has shown over the years and congratulated the Board of Elections staff for staying committed to the task of implementing HAVA.

President Sampel moved to table the minutes of the May 6<sup>th</sup>, May 13<sup>th</sup>, May 20<sup>th</sup>, May 27<sup>th</sup>, June 3<sup>rd</sup>, June 10<sup>th</sup>, and the June 24<sup>th</sup> meetings. Secretary Umane seconded the motion, which was adopted unanimously.

The Executive Director reported that:

A) Some of the BMDs have been delivered to the NYC Board for

Acceptance testing. The EMS workstream has been conducting extensive testing on the machines, especially with the software, and has not found any problems similar to those reported at previous meetings. He expects testing to be completed this week and if no significant problems are identified, the Board will start to receive additional machines.

B) He received a letter from NYC Councilmember Gail Brewer with regard to her constituents who received Notices of Intent to Cancel from the Board of Elections. He reported that the NYC Board mailed the Notices of Intent to Cancel to voters who appeared on the State Board's potential duplicate list. He stated that other jurisdictions may be removing valid voters from their registration rolls based on the Statewide duplicate list and advised that in a draft letter to both NYC Councilmember Gail Brewer and the State Board of Elections he expresses this concern.

C) With respect to the reductions in the Budget for Fiscal Year '09, he reported on a discussion with the Assistant Director of the Office of Management and Budget Brett Robinson where he reiterated that the lack of funding for adequate poll workers had put the implementation at risk. He outlined the Board staff's Plan B

Implementation plan, which provides for significantly reducing BMD staff and costs and urged the Commissioners to reconsider the plan.

Pamela Perkins added that Plan C is being developed however it puts the BMD Poll Workers in a situation where they must perform two jobs on Election Day, which would be:

- 1) Servicing those voters who wish to vote on the Shoup Lever Machines, and
- 2) Assisting those voters who wish to cast a ballot on the BMD:

The Commissioners reaffirmed their position that the Board could not spend monies that it does not have and will wait for the Plan C proposal.

The General Counsel reported that a Commissioners' Committee would be needed to conduct cover sheet and petition review of Designating Petitions and related matters. Following consultation among the Commissioners, President Sampel appointed the following:

Tuesday, July 8, 2008 – Commissioners Sampel & Umane

Wednesday, July 9, 2008 – Commissioners Soumas & Yennella

Thursday, July 10, 2008 – Commissioners Soumas & Umane/Polanco

Friday, July 11, 2008 – Commissioners Graham & Polanco

Monday, July 14, 2008 – Commissioners Dent & Umame

The General Counsel provided the Commissioners with a copy of his Memorandum dated July 7, 2008 regarding the ruling of the Appellate Division, 2<sup>nd</sup> Department in Barron v. Board of Elections in the City of New York, for which leave to appeal to the Court of Appeals is being sought. Secretary Umame suggested that the General Counsel postpone his report for the Executive Session, which was agreed to unanimously by all the Commissioners.

Finance Officer John Ward provided the Commissioners with the Vacancy Reported dated July 8, 2008 and explained the FY'09 PS Budget as well as the FY'09 OTPS Budget Review.

Commissioner Graham moved to grant a 30 day sick leave extension for the Director of Public Relations Valerie Vasquez. Commissioner Polanco seconded the motion, which was adopted unanimously.

Commissioner Polanco reported that the Investigation Committee had a report for Executive Session.

The President opened the floor for comments/questions:

A) Alan Flacks

In response to Mr. Flacks, General Counsel explained that the NYC Board provides receipts with an approximate time as an accommodation to citizens groups who file multiple Voter Registration Forms at one time but under the Law, the Board is not required to give receipts.

Commissioner O'Connor moved that Board staff should stop giving receipts. Commissioner Soumas seconded the motion, which was adopted unanimously.

President Sampel moved to convene an Executive Session to discuss litigation and personnel matters. Commissioner Polanco seconded the motion, which was agreed to unanimously.

The President reported that the following action was taken in Executive Session.

- 1) Unanimously adopted the following policy with respect to the 40<sup>th</sup> Assembly District:

- a) Where only a petition is filed that does not specify the term, the Board will deem it as filed for the full two year term.
- b) Where a specific term for Member of the Assembly, 40<sup>th</sup> A.D. is specified under Designating Petition, such Designating Petition shall be filed for the office for the term specified on the petition.
- 2) Unanimously adopted the Commissioners' Committee decision to terminate the Personnel Director Phil Donahue, effective immediately.
- 3) Unanimously approved that Phil Donahue's access to all NYC Board of Election's computers is terminated, effective immediately.
- 4) Unanimously approved that Susan Cooper, the Administrative Assistant in the Personnel Department is designated as Acting Director of Personnel as well as Acting Records Management Officer, at the new hire salary of a Project Coordinator, until such time as Dorothy Delayo can assume the position of Director of Personnel/Records Management Officer, effective

immediately.

Commissioner Graham moved to adjourn. President Sampel seconded the motion, which was adopted unanimously.

The President announced that the next meeting will be held on Tuesday, July 15, 2008 at 1:30 P.M.