

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, JANUARY 25, 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, Schacher, Umane

Dawn Sandow, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
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 and Communications  
Beth Fossella, Coordinator, Voter Registration  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Jerome Koenig  
Geneva Butts  
Cathy Gray, 936 President  
Teresa Hommel, Wheresthepaper.org  
Kate Doran, LWV  
J. Keefe, WNYC  
Rima McCoy, CIDNY  
Mr. Copney, Civic Group  
Alex Camarda, Citizens Union  
John D. Smith  
Stewart Armstrong, CFB  
Alan Flacks, Member of NY County Democratic Committee  
M. Lloyd

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President Polanco called the meeting to order at 1:50 P.M.

President Polanco announced that Commissioners Dent and Stupp are attending the New York State Election Commissioners' Association Conference in Nanuet, NY this week.

President Polanco tabled the approval of the minutes due to a lack of quorum.

Commissioner Schacher requested to discuss a Brooklyn personnel matter in Public Session.

President Polanco tabled Ms. Fossella's item concerning the Notice of Approval/Acknowledgement Notice due to a lack of quorum.

Mr. Ward presented the Comparative Expenditures report dated January 25, 2011. A copy of the report is in the agenda.

President Polanco asked Mr. Ward if all poll workers have been paid to this date. Mr. Ward reported that the majority of poll workers have been paid. Commissioner Umane recalled that there are various categories for the Commissioners to determine if some poll workers should get paid or not. Commissioner Araujo recalled that Mr. Pataky reported on various poll

worker issues at a previous meeting. Mr. Ward reported that Ms. Rahmouni is currently preparing the descriptions for the poll worker categories for the Commissioners.

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

President Polanco asked for the Commissioners' opinion concerning the Board reporting in the Mayor's Management Report (MMR). He stated that City Council Speaker Christine Quinn highly recommends the Board to participate. Commissioner Schacher stated that the Board should answer the general questions. Commissioner Umane stated that historically the Board does not supply information for the MMR because it is a non-mayoral agency. In addition, the Board releases an Annual Report which provides the same information as the MMR. The Board's information is readily available on the Board's website as well. Commissioner Araujo agreed with Commissioner Umane as long as the Board is consistent with the information. President Polanco asked for the Board to provide more information in the Annual Report. Ms. Vazquez-Rivera stated that she will compare the Board's Annual Report with the MMR. President Polanco stated that the MMR is always a major issue at the New York City Council

Hearings. He asked for the Commissioners to consider reporting in the MMR.

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

President Polanco noted that Commissioner Ryan joined the meeting.

Ms. Fossella reported on the Notice of Approval which is formerly known as the Acknowledgment Notice. She distributed copies of the draft Notice of Approval to the Commissioners. Ms. Fossella stated that this notice is mailed on a monthly basis to voters who make changes to their voter registration. She stated that the voting instructions to use the lever voting machine were printed on the back of the notice, but the State Board has to issue revised instructions for the new voting system. Ms. Fossella stated that the City Board is not required by law to print voting instructions on this notice. Ms. Sandow and Ms. Perkins recommended removing the old voting instructions because it was incorrect information. She noted that voting instructions in the four (4) covered languages would transform this notice into a booklet. Ms. Fossella asked for the Commissioners' approval on the City Board's draft voting instructions on the notice. The new

instructions read, "For instructions on how to vote please visit our website [www.votethenewway.com](http://www.votethenewway.com) and be sure to look for our Information Notice mailing in August for voting instructions and Poll Site information." Commissioner Soumas asked if the Notice of Approval is required by law. Ms. Fossella stated that the notice is required by law, but the voting instructions are not. Commissioners Soumas and Schacher were concerned about voters who do not have access to a computer. Ms. Sandow clarified that the Board will be mailing an Information Notice with voting instructions in August. Mr. Denkberg stated that Section 5-210 in the New York State Election Law concerns the Notice of Approval notice. President Polanco asked Ms. Fossella if she has printing cost estimates for the notice with and without the new voting instructions. Ms. Fossella stated that she will acquire that information for the Commissioners. President Polanco recommended tabling the Notice of Approval item until next week. Commissioner Umame recited Section 5-210 (9) of the NYS Election Law. There is no requirement in the statute for the Board to provide instructions on using the voting machines. Commissioner Umame recommended for the City Board to send another letter to the State Board asking them to remove the incorrect information on the Notice of Approval and to provide the City Board with correct information concerning the new voting machines. In addition, he suggested to send the City Board's draft voting instructions to

them for review. Commissioner Umane stated that the City Board should remove the incorrect information until it receives revised instructions. Commissioner Soumas was very concerned about using City funds for revising this notice numerous times. Commissioner Umane asked Executive Staff to discuss this issue with State Board staff at the NYS ECA Conference this week.

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

President Polanco recognized Teresa Hommel, a member of the public.

Ms. Fossella asked the Commissioners if they would like the Notice of Approval to be mailed with the new information the City Board developed or to leave the section blank until the new instructions are promulgated by the State Board. Commissioner Umane asked the Board's Counsels to review the statute and notice before it is mailed. Commissioner Umane moved for the Board to amend the old Notice of Approval to delete references concerning the old lever voting machines and to include all required information from Section 5-210 of the NYS Election Law.

Commissioner Schacher seconded the motion, which was adopted unanimously.

President Polanco recognized Alex Camarda, a member of the public.

Commissioner Schacher moved to grant an advance of 210 sick leave hours for Ameriar Feliciano, a Clerk in the Brooklyn Borough Office.

Commissioner Schacher moved to grant an advance of 210 sick leave hours for Palmerino “John” Sagnelli, a Clerk in the Brooklyn Borough Office.

After discussion, Commissioner Schacher requested to rescind her motions and to discuss these personnel matters in Executive Session.

Commissioner Umane recalled that Commissioner Soumas requested via email to resend communication to the new Chairs and Ranking Members of the Election Law Committee concerning the timing of the MOVE Act and the Board’s ability to comply physically with the Election Law and State Law requirements. It was noted that there were positive

responses amongst the Commissioners. Commissioner Umame stated that the letter should be re-sent when Executive Staff returns from the NYS ECA Conference.

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

President Polanco asked Ms. Delayo if she has received any new resumes as it relates to the position of Executive Director. Ms. Delayo replied no. President Polanco asked if she has a job description prepared for the Commissioners. Ms. Delayo stated that it will be prepared for the next meeting.

Commissioner Schacher moved to approve the minutes of the November 9, 2010 and November 16, 2010 meetings. Commissioner Araujo seconded the motion, which was adopted unanimously.

President Polanco asked Ms. Delayo how many resumes she has received to this date as it relates to the position of the Executive Director. Ms. Delayo reported that she has received four (4) resumes.

Commissioner Schacher moved to convene an Executive Session to



discuss personnel matters. President Polanco seconded the motion, which was adopted unanimously.

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

- I. The Commissioners granted an advance of 210 sick leave hours for Ameriar Feliciano, a Clerk in the Brooklyn Borough Office, as of the time when she exhausts her leave balances.

Secretary Soumas reported on a \$50 million dollar capital budget item that was allocated to the Board in 2005. The topic of discussion is whether or not the City will recall those funds. Mr. Liberman stated that he learned about this issue three (3) weeks ago when he spoke with Jen Nagel, Assistant Director of the Office of Management and Budget (OMB). Commissioner Ryan recalled that the initial inquiry came from Ms. Sandow. Commissioner Umane stated that the Board can develop projects to utilize these capital funds in a time of tough finances for the City. Secretary Soumas asked if there is a deadline for OMB. Mr. Liberman replied no, but he would like to respond as soon as possible. Commissioner Araujo stated that he does not fully agree with the

equipment list that Board staff has compiled. He stated that the Commissioners need a basis for the equipment requested. Secretary Soumas stated that a memorandum from Christine Ryan, a representative of OMB, dated July 6, 2005, was addressed to then Executive Director John Ravitz, concerning the \$50 million dollar capital budget item. It was noted that Christine Ryan is no relation to Commissioner Ryan. Commissioner Ryan was concerned that the OMB questions are now six (6) years old. He stated that the Board has to limit the requests to needs only. Commissioner Umame asked for Board staff to revise the list and provide more detailed information to OMB. Commissioner Ryan suggested for Board staff to review the memorandum dated May 18, 2005 where Ms. Ryan outlined the OMB questions and information regarding the proposed projects. Commissioner Umame noted that Mr. Ravitz replied to those questions. Commissioner Ryan stated that Board staff needs to compare Mr. Ravitz's response with the Board's present needs. Ms. Sandow reviewed the Board's draft list of needs with the Commissioners. She stated that she will provide a more detailed list of the items for the Commissioners. Commissioner Umame stated that the Board needs to develop a proposal for OMB and to provide a more detailed report. Commissioner Ryan moved to table this matter for one (1) week and requested for the Commissioners to receive a revised draft list of

needs. President Polanco seconded the motion, which was adopted unanimously.

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

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