

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, MARCH 22, 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, Barrera, Dent, Ryan, Schacher, Sipp, Stupp,
Umane

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Dorothy Delayo, Director, Personnel
John Ward, Finance Officer
John Owens Jr., Director, Campaign Finance Enforcement
Valerie Vazquez-Rivera, Director, Communications and Public Affairs
Daniel Lavelle, Associate Staff Analyst, Phone Bank and Communications
John O'Grady, Chief, Voting Machine Technician
Charles S. Webb, III, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Cathy Gray, 936 President
Jerome Koenig
Marjorie Shea, Women's City Club
Rima McCoy, CIDNY
Paul Griego, Omaha, UA
John D. Smith
Gally Lim
Stewart Armstrong, CFB
Kate Doran, LWV
Juan Michelen, for Assembly Member Brian Kavanagh
Mark Herman
Teresa Hommel, Wheresthepaper.org
Alex Camarda, Citizen's Union
Alan Flacks, Member of NY County Democratic Committee

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

Ms. Sandow requested to add an Executive Session to the agenda.

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

President Polanco reported that there is a Manhattan personnel matter to be discussed in Executive Session.

Commissioner Dent moved to approve the minutes of the February 1, 2011, February 8, 2011 and February 15, 2011 meetings. Commissioner Stupp seconded the motion, which was adopted unanimously.

President Polanco reported on the Commissioners' Committees. He asked the Commissioners if they have reviewed their Committee assignments for 2011. He stated that the assignments are very important because it allows the Commissioners to develop expertise in a specific background at the Board. President Polanco recommended for the full Board to ratify the Commissioners' Committees. Commissioner Araujo

stated that he and Commissioner Stupp are members of a new Committee, but it was not indicated on the current list. President Polanco noted that Ms. Sandow notified him of the new Commissioners' Committee on Election Night Results Reporting and Closing Procedures. It was indicated that Commissioners Araujo, Stupp, and Umane are in the new Committee. Commissioner Araujo recalled that Commissioner Sipp was involved with the Committee as well. President Polanco stated that the Commissioners will choose the assignments at the next meeting. President Polanco moved for the full Board to approve the Commissioners' Committees for 2011. Commissioner Umane seconded the motion, which was adopted unanimously. Commissioner Umane moved to establish a new Commissioners' Committee on Election Day Results Reporting and Closing Procedures. Commissioner Araujo seconded the motion, which was adopted unanimously.

Ms. Vazquez-Rivera presented the public's feedback regarding the three (3) Privacy Curtain Options which are under consideration. She invited good government groups, various organizations, elected officials, and Coordinators to the public display. Ms. Vazquez-Rivera received a total of seven (7) email responses. She distributed copies of the emails to the Commissioners. Ms. Vazquez-Rivera recited some of the public

comments as follows:

- “All three are a waste of money. They look claustrophobic for the voter inside.” – Voter (Ms. Vazquez-Rivera noted that the voter thanked the Board for being so responsive to the voters.)
- “It’s a waste of time and money since the Privacy Booth actually essentially ensures the voter’s privacy while marking the ballot.” – Voter
- “I believe you are giving another task for the Inspectors to do. Another job that may not go well. Keep it simple. Have your voters request help if needed. Do not have poll workers too close to the machines.” – Coordinator
- “Opposed to the curtains. They will be dust collectors and possibly a source of germs. After experiencing the last election first hand, I feel that privacy can be assured by better training and testing of election Inspectors.” – Voter
- “All of the privacy curtains make the scanner and scanner area darker than they would be without a privacy curtain. For people with low vision this is obviously a problem. Wonders if all wheelchairs users will fit under the privacy curtains. They may interfere with their controls, puff sticks, get caught on the back of the wheelchairs and they can pull them as they drive off. No

one who uses a walker, crutches, cane or scooter will be able to part the curtain as they enter because they will not have two free hands. Someone who wants to vote independently would not be able to do so, therefore, going back to the old days where they needed help.” – Vice President of Public Relations at Disabled in Action

- “No real complaints of this issue at my polling sites. This is a potential for more problems. The greatest problem is when the scanners are jammed with misfed ballots a voter may walk away and therefore the curtains would obscure the view from the poll worker to assist that person at that time.” – Coordinator
- “Preference for the blue curtain.” – 2 Voters
- “Preference for the blue curtain, but without the entire curtain, just the side panels.” – Voter

Mr. O’Grady stated that two (2) Privacy Curtains have the option of using just the side panels. Commissioner Araujo stated that the scanners already have side panels and questioned the difference. Mr. O’Grady stated that the current side panels do not extend as far as the ones on display.

President Polanco recognized Rima McCoy, a representative of CIDNY, who spoke about the disabled community and the privacy curtain options. Ms. McCoy stated that she reached out to the community and there were many concerns about low light and wheelchair users. She stated that the ballot and privacy sleeve for the Ballot Marking Device (BMD) is an issue. Ms. McCoy recommended for the poll workers to instruct voters how to use the privacy sleeves to protect their ballots.

President Polanco noted that Commissioners Ryan and Sipp joined the meeting.

President Polanco stated that the Board received negative emails concerning the Privacy Curtains, yet there was an onslaught of negative comments regarding privacy. He asked the Commissioners how to proceed.

President Polanco recognized Kate Doran, a representative of the League of Women Voters (LWV), who stated that the league is very interested about this topic. Ms. Doran reported that she sent an email to her league about the public display and the LWV feels that the public would be better served if they had more time to view the Privacy Curtain options.

President Polanco moved to table this item for one (1) week to allow more public viewing. Commissioner Ryan seconded the motion, which was adopted unanimously. Commissioner Araujo asked for a public notice to be posted on the Board's website. Ms. Vazquez-Rivera stated that she will email an updated flyer to the MIS Department to be posted. President Polanco asked Alex Camarda, a representative from Citizen's Union, to email this information to his constituents as well.

President Polanco recognized Marjorie Shea, a representative of Women's City Club (WCC), who asked for more time for the public to view the Privacy Curtain options. She added that voters will get used to the new voting system and personally does not feel that the scanners need curtains.

President Polanco noted that Secretary Soumas joined the meeting.

Ms. Vazquez-Rivera reported on the meeting held with Executive Management and Citizen's Union. She stated that Citizen's Union offered some proposals for the Board. They requested for the Board to require Coordinators to contact poll site personnel prior to Election Day to ensure near 100% attendance. Executive Management felt that the Board can change administratively and include that request in the Poll Worker's

Manual and training. Citizen's Union requested for the Board send an email blast to the Board's database containing important dates such as election days and deadlines for voter registration. Executive Management is very interested because it is a low cost project, but the Board's Outlook server cannot handle a massive email blast of approximately 16,000 constituents. Board staff is researching bids from vendors to estimate the cost of the project for the Commissioners. Secretary Soumas asked if Citizen's Union recommended for which vital services the Board should terminate in the event the Board's budget is once again cut. Ms. Vazquez-Rivera replied no. Commissioner Ryan asked if she reached out to DOITT to see if those services can be performed by them. Ms. Vazquez-Rivera stated that she is waiting for a price quote from DOITT. She reported that Citizen's Union requested for the Board to report to the Mayor's Management Report (MMR). Executive Management informed CU that all of the requested information in the MMR is answered in the Board's Annual Report. Ms. Vazquez-Rivera stated that she will do a "line-by-line" to check if any information is missing. President Polanco recalled that Speaker Christine Quinn strongly encouraged the Board to participate in the MMR. President Polanco proposed for the Board to have a disclaimer in the MMR that they are an independent agency and to submit their information that's in the Board's Annual Report. He recalled that the Commissioners voted

in 2010 not to participate, but asked if they would like to participate in 2011. Commissioner Ryan strongly stated that it is important for the Board to remain an independent agency and to not even appear to be under control by Mayor Bloomberg or his successor. He recommended for the Board to mirror the content requested in the MMR. Commissioner Ryan stated that he does not want the Board's information reported in the MMR to be manipulated by the Mayor. The Commissioners agreed for the Board to not report in the MMR. Secretary Soumas asked why Citizen's Union recommends the Board to participate in the MMR.

President Polanco noted that Commissioner Barrera joined the meeting.

President Polanco recognized Alex Camarda, a representative of Citizen's Union (CU). Mr. Camarda stated that CU supports the MMR because the Mayor is seeking more data from the Board. They believe that there is other criteria which is important as well. Secretary Soumas asked if it is important to CU that the Board provides the information, which it agrees to do, or to give the information to the MMR. Mr. Camarda stated that ideally it would be best for the Board to report in the MMR due to timing issues. Commissioner Ryan stated that the MMR is property of the

Mayor; it is not the People's Management Report. He noted that bad information is never highlighted in the MMR. Secretary Soumas stated that the Board has to protect its independence.

Ms. Vazquez-Rivera reported that Citizens' Union requested for the Board's minutes to be up-to-date on the Board's website. Executive Management made this request a priority. Ms. Vazquez-Rivera reported that the last item discussed at the meeting was posting the sample ballots online. The Commissioners approved this item in November 2010 and staff has been working on this project with DOITT.

Ms. Vazquez-Rivera presented the webcasting update. She recalled that this item was discussed at previous meetings and it was found to be a costly endeavor. Ms. Vazquez-Rivera received a recommendation of a vendor that has worked with NYC Council Member Gale Brewer. The vendor's hourly estimate is \$225 per hour/\$1,975 per month/\$22,500 per year. She noted that a bid from the State Board's vendor was \$8,000 per month/\$96,000 per year. The Board is currently working with the State Board to research if webcasting is grant eligible.

President Polanco thanked the Executive Office staff members and

Commissioners Ryan and Dent for attending the NYC Council Hearing. He commended Board staff for doing a great job presenting the testimony.

Mr. O'Grady reported on Mobile Poll Sites. He distributed Mobile Voting Precinct (MVP) documents to the Commissioners for their review. Mr. O'Grady recalled that in 2003 the Board received a Federal HAVA grant, HHS Voting Access Improvement Program, for temporary poll site improvements. It allowed the Board to buy items such as ramps, platforms, cones, bells, and hand rails to make poll sites temporarily accessible. The total cost of these items was approximately \$500,000. Mr. O'Grady reported that MVP is a new concept which was launched in July 2010. He stated that in the past, some poll sites had to be moved on Election Day due to emergencies. The MVP can accommodate fifteen (15) privacy booths, two (2) scanners, one (1) BMD, and a two (2) person registration desk. It is ADA compliant with a handicap accessible lift, and it has a generator, and a bathroom option. Mr. O'Grady requested for any questions from the Commissioners. Commissioner Araujo inquired if Board staff would need a special driver's license to drive the MVP and where the MVP would be parked or stored. Mr. O'Grady replied that staff would need a NY Commercial Driver's License (CDL). Mr. O'Grady reported that there are two (2) possible locations to store the MVP. The 645 Clinton Street

and 4312 Second Avenue Brooklyn Board storage facilities can accommodate a vehicle inside. Commissioner Araujo inquired about necessary insurance options. Mr. O'Grady reported that the City of New York is self insured. Commissioner Dent inquired if the MVP could be used for public demonstrations of the voting system throughout the year. Mr. O'Grady replied yes. Commissioner Dent asked if Board staff would receive training from the MVP vendor on operating the handicap accessible lift. Mr. O'Grady replied yes; at no cost. He reported that the total amount of grant funds remaining is \$991,000 and the cost of the MVP would be approximately \$316,000.

President Polanco recognized Rima McCoy, a representative of CIDNY, who stated that P.S. 2 in Queens and P.S. 119 in Brooklyn are inaccessible to people with disabilities. She asked if the MVP could be used at those poll sites. Mr. O'Grady reported that two (2) years ago the Board received a HAVA grant for permanent improvements concerning accessibility. A total of seventy-eight (78) poll sites have been/or are currently being improved permanently. He noted that P.S. 2 and P.S. 119 are being addressed and is waiting for construction documentation from the Department of Education.

Mr. O'Grady stated that the MVP can be moved to any location necessary. Commissioner Schacher asked Mr. O'Grady if he will be obtaining bids. Mr. O'Grady replied that he will be obtaining five (5) competitive sealed bids and stated that the MVP is categorized with temporary accessibility improvements because it is a mobile poll site. Secretary Soumas asked what the annual carrying cost of a MVP. Mr. O'Grady stated that it is \$350 per car wash, 9 miles to a gallon of gas, and a Commercial Driver's License. The maintenance is under a five (5) year warranty. Mr. O'Grady stated that the Board has the option of leasing the MVP, but he recommends purchasing the vehicle. President Polanco inquired if the MVP would need approval from the Department of Justice. Mr. Webb believed it would need approval because it would be considered a new poll site. Mr. O'Grady noted that the vendor has not sold a vehicle to this date because it was just launched.

President Polanco recognized Jerome Koenig, a member of the public, who reported that he has seen other mobile poll sites in other states. He asked how many Election Districts could fit in the vehicle. Mr. O'Grady reported that it can accommodate 3,750 poll site voters. He added that the MVP has an efficient traffic flow design.

President Polanco recognized Cathy Grey, a member of the public, who asked if the public can view the MVP. President Polanco replied yes; after the bids.

Mr. Ward presented the Comparative Expenditures report dated March 22, 2011. A copy of the report is in the agenda. President Polanco commended Executive Management for doing a great job curbing overtime hours as requested by the Commissioners.

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

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

- I. The Commissioners appointed Demetrios “Jimmy” Manassis to take over George Smith’s position at the Executive Office at an annual salary of \$36,357, effective immediately.
- II. The Commissioners appointed Jean Grillo to take over Demetrios “Jimmy” Manassis’ position in the Manhattan Borough Office at an annual salary of \$35,077, effective

immediately.

President Polanco recognized Alan Flacks, a member of the public, who spoke about the fees for FOIL request copies.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, March 29, 2011 at 1:30 P.M.