

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, APRIL 5, 2011  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR COMMISSIONERS' ROOM  
NEW YORK, NY 10004

---

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

Commissioners Araujo, Barrera, Dent, Ryan, Schacher, Umame

Dawn Sandow, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
John Owens Jr., Director, Campaign Finance Enforcement  
John Ward, Finance Officer  
Dorothy Delayo, Director, Personnel  
Valerie Vazquez-Rivera, Director, Communications and Public Affairs  
Daniel Lavelle, Admin. Staff Analyst, Phone Bank & Communications  
Tom Sattie, Administrative Staff Analyst, Ballot Coordinator  
Charles S. Webb, III, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Jerome Koenig  
Kate Doran, LWV  
Mark Herman  
Todd Urosevich, ES&S  
Marjorie Shea, Women's City Club  
Ilana Novick, Citizen's Union  
Rima McCoy, CIDNY  
John D. Smith  
Cathy Gray, 936 President  
Teresa Hommel, Wheresthepaper.org

---

President Polanco called the meeting to order at 1:37 P.M.

Secretary Soumas suggested tabling the minutes of the February 22, 2011, March 1, 2011, March 8, 2011, March 15, 2011 and March 22, 2011 meetings until more Commissioners joined the meeting.

Commissioner Barrera requested to table her item concerning the request from Co-op City until more Commissioners joined the meeting.

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

Mr. Richman recalled that at a previous meeting there was discussion and questions concerning the Records Access Policy. He noted that he distributed copies of materials relating to the Records Access Policy of the Board to the Commissioners at the previous meeting for review and comments. Mr. Richman stated that there was a discussion on whether or not there may be a change of the Records Access Officer and the procedures for processing FOIL requests. He indicated that he was not present at the meeting when the item was initially discussed. Secretary Soumas suggested tabling this item for one (1) week.

Mr. Richman reported on the City Board's State Government

Education and Information Day in Albany, NY on Tuesday, May 10, 2011. He distributed copies of his memorandum to the Commissioners. Mr. Richman requested for the Commissioners who will be attending to complete and return the response form attached, to either Eleanor Guerrieri or Jane Zito, in order to finalize arrangements by Tuesday, April 12, 2011.

Mr. Richman recalled that two (2) weeks ago the Commissioners directed him to make certain changes and additions to the Recommended Revisions to the New York State Election Law – 2011 Part 1. He distributed revised copies of the draft Recommended Revisions to the Commissioners. Mr. Richman reported that Commissioner Ryan emailed him suggested revisions for the cover letter today which enhances the emphasis with respect to comply with the Federal MOVE Act. He distributed copies of Commissioner Ryan's revisions to the Commissioners. Mr. Richman asked the Commissioners to review Commissioner Ryan's revisions. Secretary Soumas suggested tabling this item until Commissioner Ryan joins the meeting.

Mr. Richman recalled that at the previous meeting Commissioners Araujo and Sipp asked him to review the options of obtaining data submitted to the State Board by the City and Health Departments regarding

death certificates issued by them and the NYS Office of Court Administration regarding persons convicted of felonies. Copies of Mr. Richman's memorandum were distributed to the Commissioners. He recommended for the Commissioners to exercise their powers under the NYS Election Law, specifically Section 3-218, issue a Subpoena to the State Board and/or its Commissioners and/or its Co-Executive Directors, requiring them to appear before you and produce actual copies of the New York City and State Health Department lists of persons who resided in the City of New York and died, as well as actual copies of the Office of Court Administration lists of persons residing in the City of New York that have been convicted of felonies that have been transmitted to the State Board, pursuant to Section 5-614(5), from May 1, 2005 through March 31, 2011. Using this process can either provide for a judicial determination in this on-going dispute or result in the City Board being able to perform its mandated functions in a manner that does not require the Board to participate in an unconstitutional system.

Secretary Soumas noted that President Polanco joined the meeting.

Commissioner Araujo moved to adopt Mr. Richman's recommendation as presented. Before a vote, Commissioner Umame

suggested for the Board to examine this recommendation with the Corporation Counsel. The Commissioners agreed. Mr. Richman stated that he will draft a letter to Corporation Counsel Michael Cardozo this week. He indicated that they may discuss this item in Executive Session at next week's meeting.

Mr. Ward presented the Comparative Expenditures Report dated April 5, 2011. A copy of the report is in the agenda.

Mr. Ward distributed copies of the Board's Overtime Report for Weeks 3/6/11 to 3/19/11 to the Commissioners.

Commissioner Barrera moved to authorize Co-Op City access to use seventy (70) lever voting machines, as been done in previous years, for their Board of Directors election which is scheduled for May 18, 2011. She stated that Co-Op City will be borrowing the machines without the use of any Board personnel, and in particular, they will contract directly with the approved ballot printers, outside technicians, truckers and ancillary services. They will self certify the election without the use of any City Board personnel and they will indemnify the Board if damage occurs to the voting machines. Commissioner Barrera noted that there is no expense to

the Board. President Polanco seconded the motion. Before a vote, Mr. Richman stated that the Board might have to send staff to the Brooklyn storage facility to retrieve the machines. Commissioner Umane opposed the motion and recalled that in previous years he has raised the same objections to this matter. He feels that the Board should not allow rentals to private parties and believes that it sets a bad precedent. Commissioner Umane added that the lever machines are stored and not accessible. He believes that there are other sources for private elections. Commissioner Schacher agreed with Commissioner Umane. Commissioner Barrera withdrew her motion. She indicated that she will raise this issue again in the event that additional Commissioners join the meeting.

Commissioner Araujo moved to table the minutes of the February 22, 2011, March 1, 2011, March 8, 2011, March 15, 2011 and March 22, 2011 meetings. President Polanco seconded the motion, which was adopted unanimously.

Mr. Richman asked the Commissioners if they will accept Commissioner Ryan's changes to the draft Recommended Revisions to the New York State Election Law – 2011 Part 1 cover letter. Commissioner Umane noted that the word "demand" should be changed to "respectfully

request” which is indicated on page #3. Secretary Soumas moved to substitute the word “recommend” where the word “demand” appears in the draft cover letter. Commissioner Umane seconded the motion, which was adopted unanimously. Secretary Soumas moved to approve the Recommended Revisions to the New York State Election Law – 2011 Part 1 as amended. Commissioner Dent seconded the motion, which was adopted unanimously.

Secretary Soumas recognized Marjorie Shea, a member of the public, who commended the Commissioners and Ms. Vazquez-Rivera for the Board’s Annual Report. She indicated that there was a lot of useful data.

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

Commissioner Dent inquired if the Board has received any additional resumes as it relates to the position of the Executive Director. Ms. Delayo replied no.

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

- I. Walter Steinmetz, an employee in the Queens Voting Machine Facility, was demoted from an Administrative Associate to a Voting Machine Technician. Mr. Steinmetz's annual salary was reduced from \$50,703 to \$38,571 including a reduction of merit pay received in the past, effective as of the end of the current pay period.

Secretary Soumas reported that Executive Staff will be presenting a contract to the Commissioners.

Commissioner Barrera addressed her previous motion which she withdrew. She moved to authorize Co-Op City access to use seventy (70) lever voting machines, as been done in previous years. Commissioner Barrera noted that there is no expense to the Board. Co-Op City will be borrowing the machines without the use of any Board personnel, and in particular, they will contract directly with the approved ballot printers, outside technicians, truckers and ancillary services. They will self certify the election without the use of any City Board personnel and they will indemnify the Board if damage occurs to the voting machines.



Commissioner Barrera indicated that she will inform Co-Op City that the lever machines are in the Brooklyn storage facility and that they will need additional personnel to assist in moving the machines. President Polanco seconded the motion, with Commissioner Umame opposing. The motion was adopted.

Commissioner Schacher asked if the Board could rent the machines at a cost in the future. Mr. Richman stated that the Board could rent them, but the City would receive the rental money. He recalled that the Commissioners determined that after the successful deployment of the new voting system, they would make a determination to declare the lever machines surplus and then the City would sell them. Secretary Soumas stated that the Board should retain them for one (1) more election year. Mr. Richman asked Mr. O'Grady when the leases for the extra storage facilities in Brooklyn end. Mr. O'Grady reported that the Brooklyn facilities at 45 Clinton Street expires in 2014 and 4312 Second Avenue expires in 2019. Secretary Soumas asked Mr. O'Grady to send that information to the Commissioners via email.

Commissioner Ryan stated that Board still has the lever machines that were damaged in the 9/11 attacks. Mr. O'Grady reported that there

are six (6) machines preserved, wrapped in plastic and stored in a facility. Commissioner Ryan noted that the machines are a significant and unfortunate part of American history and they should not be closeted. He asked for the Commissioners to consider this matter for the future. Commissioner Ryan suggested to work with the City in donating the machines to the Smithsonian and/or the local 9/11 Memorial in NYC. Mr. Richman suggested for the staff to create potential sites for the lever machines.

Secretary Soumas recognized Catherine Grey, a member of the public, who spoke about the Board's voter registration list.

Mr. Sattie distributed copies of a report concerning goods and services that the staff feels it requires from both ES&S and Dominion for Calendar Year 2011 and 2012. He reviewed the report with the Commissioners. After review, Secretary Soumas moved to table this item for one (1) week and requested for a more detailed presentation and report. Commissioner Ryan seconded the motion, which was adopted unanimously. Commissioner Ryan suggested for staff to get the exact figure of what the Board anticipated the costs would have been and the actual costs. Ms. Perkins inquired if this information should be sent to the

Commissioners' Finance Committee or the full Board. She stated that this information was previously emailed to the Finance Committee. Secretary Soumas replied that the information should be sent to the full Board. Commissioner Umane suggested that there should be an additional column in the report to indicate the funds that were allocated in the Board's budget for those items so the staff knows what is available to spend.

Commissioner Ryan moved to adjourn the meeting. Secretary Soumas seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, April 12, 2011 at 1:30 P.M.