

THE MEETING OF
THE COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, NOVEMBER 22, 2011
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: Secretary Gregory C. Soumas

Commissioners Araujo, Barrera, Guastella, Schacher, Stupp

Dawn Sandow, Deputy Executive Director

Pamela Perkins, Administrative Manager

John Ward, Finance Officer

Dorothy Delayo, Director, Personnel

Valerie Vazquez, Director, Communications and Public Affairs

Raphael Savino, Director, Campaign Finance Reporting Enforcement

John Naudus, Manager, Electronic Voting Systems

John O'Grady, Chief, Voting Machine Technician

Daniel Lavelle, Supervisor, Phone Bank and Front Counters

Giacomo Kmet, Temporary Attorney, OGC

James Barron, Temporary Attorney, OGC

Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV

Jerome Koenig

Kevin Maloney, Citizens Union

Stewart Armstrong, Campaign Finance Board

Marjorie Shea, Women's City Club

Rima McCoy, CIDNY

Teresa Hommel

Alan Flacks, Member of NY County Democratic Committee

M. Aronson

John Smith

Secretary Soumas called the meeting to order at 1:42 P.M.

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

Commissioner Barrera requested to discuss a Bronx personnel matter in Executive Session.

Ms. Delayo requested to discuss personnel matters concerning all boroughs in Executive Session.

Commissioner Araujo moved to table the minutes of the November 15, 2011 meeting. Commissioner Barrera seconded the motion, which was adopted unanimously.

Ms. Sandow reported that the NYS Election Commissioners' Association Winter Conference is scheduled for January 17, 2012 to January 20, 2012. A copy of the invitation is in the agenda. Ms. Sandow requested authorization to permit Executive Management, Managers and the Chief and Deputy Chief Clerks to attend the conference, providing that the Board is not working on redistricting. Commissioner Stupp stated that it is very important for Board staff to attend the conference. Commissioner Stupp moved to authorize Executive Staff, Managers and the Chief and

Deputy Chief Clerks to attend the NYS Election Commissioners' Association Winter Conference. Commissioner Barrera seconded the motion, which was adopted unanimously.

Ms. Perkins reported that the New York Assembly Committee on Election Law and Assembly Subcommittee on Election Day Operations and Voter Disenfranchisement are conducting a Public Hearing on December 1, 2011. A copy of the notice is in the agenda. The subject is the administration of elections in NYS in compliance with the federal Help America Vote Act (HAVA). Ms. Perkins stated that Laurie Barone, a representative of the Committee on Election Law, contacted the Board yesterday inquiring if the Board will testify. Ms. Perkins asked for the Commissioners' guidance on this matter. Secretary Soumas asked Ms. Perkins if she recommends for the Board to testify. She replied yes. Commissioner Araujo asked who will participate in the Hearing. Ms. Perkins recommended Executive Management, Mr. Richman, Mr. Ward, Mr. Naudus, and other staff members that she feels are necessary to attend. Secretary Soumas moved to approve Ms. Perkins' recommendation. Commissioner Schacher seconded the motion, which was adopted unanimously. Commissioner Araujo asked Ms. Perkins to advise Mr. Richman to report on the draft proposed changes for Article 9 in

the NYS Election Law at the Hearing. Commissioner Stupp supported Commissioner Araujo's request.

Ms. Vazquez reported on the 2011 Election Day Voter Feedback Survey. She distributed copies of a detailed report to the Commissioners. (See the attached report.) Ms. Vazquez reported that the survey was posted online and open to all NYC voters. The Voter Survey Cards were placed on all Information Tables at the poll sites citywide on Election Day. Ms. Vazquez stated that the Poll Workers were informed to encourage voters to participate in the online survey.

Mr. Naudus reported on the post General Election activities which started in each borough on November 10, 2011 and will continue until completion. The following is a breakdown by borough for each activity as of today:

	Manhattan	Bronx	Brooklyn	Queens	Staten Island
Reading Portable Memory Devices (PMDs)	Complete	Complete	Complete	Complete	Complete
Recording Write-In Names from Poll Site Ballots	Complete	Complete	Complete	Complete	Complete
Re-Canvass of Poll Site Ballots	Complete	Complete	Complete	Complete	Complete
Statutorily Required Audit of Scanners	Complete	Complete	Complete	Complete	Complete

Re-Canvass of Emergency Ballots	Complete	Complete	Complete	Complete	None
Canvass of Absentee, Affidavit and Military Ballots	Complete	Complete	Complete	Complete	Complete
Manual Entry of Re-canvass Activity into S-Elect	90% Done	Complete	Complete	85% Done	Complete

Mr. Naudus noted that Bronx County's 3% Audit of the scanners had to be moved to the 5% Audit due to a discrepancy. It decreased to .04% which is under the .1% threshold. The audit is complete.

Mr. Naudus reported on cost savings for ES&S support. He stated that ES&S projected 835 days of support at a cost of \$1,503,000. The Board used 403 days of support at a cost of \$725,400. The total amount of savings is \$777,600. Mr. Naudus stated that this was achieved by some changes in the procedures to make it more efficient. In addition, the 2011 General Election was a small election.

Mr. Naudus reported that there are 4,391,771 registered voters in New York City. The voter turnout in the 2011 General Election was 183,908. The percentage of turnout by registered voters is 4%.

Mr. Ward presented the Vacancy Report dated November 22, 2011.

A copy of the report is in the agenda.

Mr. Ward recalled that he reported on the FY12 Budget at the previous meeting. He stated that he sent a response letter to the Office of Management and Budget (OMB) on October 18, 2011 explaining that the Board could not cut \$2 million dollars from the budget due to the elections and the President Primary year. Mr. Ward stated that the City of New York's Fiscal Year 2012 November Plan was released last Friday. He reported that OMB placed the \$2 million dollars into Personal Service (PS) funds, so there is still a deficit. Mr. Ward stated that the Board has the ability to move forward with the savings and the needs plan as discussed at the previous meeting. He stated that the November Plan has to be voted on by the NYC Council, but he does not know the exact date when they will vote on it. In addition, there might not be a Hearing concerning the November Plan this year. He stated that he will update the Commissioners on this matter.

Secretary Soumas recognized Alan Flacks, a member of the public, who inquired about who directed his Poll Site's Coordinator to not to speak to the press on Election Day. The Commissioners stated that they will look into the matter. Mr. Flacks asked if any new resumes have been submitted

to the Board as it relates to the position of Executive Director. Ms. Delayo replied no.

Secretary Soumas moved to convene an Executive Session to discuss personnel, investigations 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 unanimously determined that Colville Charles, a Clerk in the Bronx Office, is terminated, effective by the close of business today;
- II. The Commissioners unanimously granted a total of 392 hours from the Sick Leave Bank for Ameriar Feliciano, a Clerk in the Brooklyn Office;
- III. The Commissioners unanimously granted a total of 126 hours from the Sick Leave Bank for Lawrence Capici, an Administrative Assistant in the Manhattan Office;
- IV. The Commissioners unanimously determined that after disciplinary hearings, the following employees are disciplined as follows: Damon Moment and Gloria Cruz, VMF Technicians

in the Brooklyn VMF, were placed on 30 days of probation. Yolanda Bentley, a VMF Technician in the Brooklyn VMF, was placed on 30 days of probation and will receive a one (1) day suspension without pay.

Secretary Soumas moved to adjourn the meeting which was adopted unanimously.

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