

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, APRIL 3, 2012
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Maria R. Guastella
Secretary Frederic M. Umame

Commissioners Araujo, Barrera, Dent, Polanco, Schacher, Soumas, Sipp,
Stupp

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Valerie Vazquez, Director, Communications and Public Affairs
Rosanna Rahmouni, Coordinator, Election Day Operations
Steven Ferguson, Director, Management Information Systems
Charles S. Webb, III, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV
A.B. Britton, KLC – GOP
Marjorie Shea, Women's City Club
John D. Smith
Liz Brown, for Council Member Gale Brewer
Alex Camarda, Citizens Union
Stella Ma, AALDEF
Chi-Ser Tran, AALDEF
Stewart Armstrong, Campaign Finance Board
Seth Grossman, City Council
Judd Ryan, ES&S
G. Butts
Alan Flacks, Member of NY Democratic County Committee

President Guastella called the meeting to order at 1:34 P.M.

Ms. Delayo requested to report on a personnel matter in public session.

Mr. Richman requested to present an update on the canvass and recanvass of the March 20, 2012 Special Election in Kings County.

Commissioner Barrera moved to approve the minutes of the March 27, 2012 meeting. Commissioner Araujo seconded the motion, which was unanimously adopted.

Ms. Perkins presented Intro No. 778, a proposed Local Law to amend the NYC Charter in relation to additional reporting by the Board to the City Council regarding performance. A copy of the law is in the agenda. Commissioner Dent asked Executive Management their opinion on this proposed law. Ms. Perkins and Ms. Sandow explained that the Board has always provided performance information to the City Council. Commissioner Dent stated that Executive Management always does a

wonderful job presenting this information in the Board's Testimony at the City Council's Hearings. Commissioner Barrera asked if this bill requires the Board to provide the information on an annual basis. Ms. Perkins replied yes. Commissioner Barrera asked how this is different from reporting to the Mayor's Management Report (MMR). Ms. Sandow stated that the Board would be reporting information to the City Council, not the MMR. Mr. Richman stated that the City Council would provide the Board's information to the MMR. Commissioner Polanco stated that this bill is redundant to the NYS Election Law which requires the Board to report to the City Council. Mr. Richman stated that the NYS Election Law mandates the Board to report to the local legislative body on performance by January 31 following the conclusion of the year. Mr. Richman stated that the proposed law would establish dates when the MMR is issued. He stated that the Board currently provides the statistical data to the City Council. Mr. Richman stated that the Commissioners could adopt a policy to post the statistical data on the Board's website after each election. Mr. Richman noted that the Board issues an Annual Report every year. Secretary Umane stated that a good government group emailed him information about this bill and asked if the Board would be considering the bill. Secretary Umane stated that he forwarded the email to the

Commissioners and Executive Management for their review. He suggested for the Board to independently create its own appropriate schedule to provide the additional performance information in the Board's Annual Report and to the City Council. Secretary Umane stated that the Board should add the additional information to the Annual Report, besides what the statute requires, so the Board is not providing the information on a particular time schedule to a particular body. He suggested for the information to be posted on the Board's website as well.

President Guastella recognized Alex Camarda, a representative of Citizens Union, who stated that he emailed Secretary Umane about the proposed bill. Mr. Camarda reported that Citizens Union puts forth this legislation and thinks that that the Board's performance information would be important on a schedule with the budget process because they support performance based budgeting. He suggested for the Board's goals to be outlined and discussed so funds could be allocated. Mr. Camarda stated that Citizens Union is flexible and requested that if the Board posts its performance information online to follow the budget schedule.

Secretary Umame suggested for Executive Staff to meet with the good government groups to develop the additional information they seek. He stated that there is no secrecy at the Board. Secretary Umame noted that due to Special Elections and other events it is difficult to follow the budget schedule. He stated that the Board follows the NYS Election Law calendar and they would have to create a time schedule that will work for the grand scheme of events.

President Guastella recognized Marjorie Shea, a representative of Women's City Club, who stated that the State Board should promulgate rules according to the NYS Election Law and asked if the State Board issues statistical forms to the boards of elections. Ms. Perkins stated that the State Board provides a statistical survey annually which the City Board fills out and returns to the State Board. She stated that the State Board's survey does not have all of the metrics that the good government groups request. Ms. Perkins stated that the City Board has submitted its statistical survey to the State Board in February.

President Guastella noted that Commissioner Soumas joined the meeting.

Mr. Richman presented the revised draft statement of Election Night Tallies which is posted on the Board's website. A copy of the draft statement is in the agenda. Mr. Richman stated that the revisions reflect the new technology that began in 2010. Commissioner Barrera moved to adopt the revised statement of Election Night Tallies and to post it on the Board's website. Commissioner Polanco seconded the motion, which was adopted unanimously.

Mr. Richman presented an update on the March 20, 2012 Special Election in the 27th Senatorial District in Kings County. He reported that there is a hearing scheduled tomorrow in Brooklyn Supreme Court with respect to the canvass and recanvass. Mr. Richman noted that Commissioners Dent and Schacher were present during the canvass and recanvass process in the Brooklyn Office.

Mr. Ferguson presented an update on Congressional Lines. He reported that each Borough Office confirmed that they accept the adjustments that were made. Mr. Richman stated that Bronx, Manhattan and Brooklyn Staff were asked to provide Department of Justice (DOJ) Election District (ED) reports for preclearance. Mr. Richman noted that the

Bronx and Brooklyn Offices have provided the DOJ reports to the Office of the General Counsel. Mr. Richman stated that a form that was created in 2002 was revised for 2012 which confirms that the Commissioners have reviewed and approved the maps. The forms need to be signed by the Commissioners. Commissioner Sipp confirmed that all EDs/ADs on Staten Island will not be changed for the June 26, 2012 Primary Election. Mr. Ferguson requested approval of the adjusted Election Districts based on the new Congressional Lines. Commissioner Umane moved to authorize the Borough Commissioners to approve their borough's lines. Commissioner Soumas seconded the motion, which was unanimously adopted.

Mr. Ferguson requested approval to transmit preliminary Congressional voter enrollment figures to the State Board. The preliminary Congressional voter enrollment figures would be posted on the Board's website as well. Secretary Umane moved to submit the preliminary Congressional voter enrollment figures to the State Board and to post on the Board's website. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Ferguson reported that his team will start working on the full ED redistricting project next week. Secretary Umane commended Mr. Ferguson and his team for doing a great job expediting this project. Mr. Ferguson thanked the Borough Office Staff for their hard work as well. Commissioner Dent thanked Mr. Ferguson and his team. She also thanked Commissioner Polanco, Executive Management and the Managers who went before the Committee on Governmental Operations at the March 29, 2012 Budget Hearing. She stated that they did an excellent job.

Ms. Rahmouni presented the draft Poll Worker Notice to Work. She distributed draft copies to the Commissioners. Commissioner Dent confirmed that the Poll Workers would be informed of this notice in training class and in writing. She requested for the Poll Worker Notice to Work to be posted on the Board's website. Commissioner Polanco moved to adopt the Poll Worker Notice to Work. Commissioner Dent seconded the motion, which was unanimously adopted.

Ms. Rahmouni presented the draft Special Instructions which concerns the location of the Affidavit Ballot Envelopes at the poll site. She distributed draft copies to the Commissioners. Commissioner Dent moved

to adopt the Special Instructions. Commissioner Araujo seconded the motion, which was unanimously adopted.

Ms. Rahmouni presented the draft Procedure to Appoint a Poll Worker on Election Day. She distributed draft copies to the Commissioners. Ms. Rahmouni reported that the Office of the General Counsel provided her with guidance. Ms. Sandow stated that Executive Management will be scheduling a meeting with all of the District Leaders citywide to discuss Poll Worker procedures. Commissioner Dent stated that this procedure is a fantastic idea and that the District Leaders should be aware of this procedure before the election. Commissioner Dent moved for Executive Management to meet with the District Leaders. Commissioner Barrera seconded the motion, which was adopted unanimously. Commissioner Barrera moved to adopt the draft Procedure to Appoint a Poll Worker on Election Day. Commissioner Dent seconded the motion, which was unanimously adopted.

President Guastella recognized Alan Flacks, a member of the public, who requested for an explanation of the NYS Election Law concerning the appointment of an Inspector if there is an absence at a poll site.

Mr. Richman explained the NYS Election Law concerning the appointment of an Inspector.

Ms. Rahmouni presented the Manhattan, Brooklyn and Staten Island Poll Worker Exception Reports for the April 24, 2012 Presidential Primary Election. She distributed copies of the report to the Commissioners. Ms. Rahmouni requested for approval. Secretary Umame moved to adopt the Manhattan, Brooklyn and Staten Island Poll Worker Exception Reports for the April 24, 2012 Presidential Primary Election. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. Ward presented the Comparative Expenditures Report dated April 3, 2012. A copy of the report is the agenda.

Ms. Delayo reported on a personnel matter. She stated that Bronx Board employee Colville Charles was terminated in November 2011. Mr. Charles appealed the termination in March 2012. Ms. Delayo reported that the Office of Labor Relations (OLR) did not accept Mr. Charles' grievance because it was past the time to be filed. The decision is sustained.

President Guastella recognized Alan Flacks, a member of the public, who asked about the estimated cost reductions by combining Election Districts for the April 24, 2012. Mr. Ward stated that the savings takes into account placing a Coordinator in every poll site and the additional AD Monitoring Team in each AD. The information can be found on page 25 in the agenda. Ms. Sandow stated that it is necessary to have a Coordinator in every poll site to make sure that the Return of Canvass is filled out properly to ensure the election runs smoothly.

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

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

- I. The Commissioners unanimously approved the Commissioners' Committee Report to place John Wood, a Voting Machine Technician in the Manhattan Voting Machine Facility, on one (1) year probation and to be suspended one (1)

week to be effective as follows: Mr. Wood will be suspended one (1) day in every pay period totaling five (5) days to begin after the April 24, 2012 Presidential Primary Election;

- II. The Commissioners, in a vote of nine (9) in favor and one (1) opposed, will give David Murillo, a Project Coordinator in the General Office, a written advisory and extend his probation six (6) months after his one (1) year probation is completed;
- III. The Commissioners designated a Cover Sheet Review Committee for Designating Petition Matters for the June 26, 2012 Primary Elections. Commissioners Stupp and Araujo will meet on Wednesday, April 11, 2012 and Commissioners Schacher and Araujo will meet on Friday, April 13, 2012;
- IV. The Commissioners unanimously voted to suspend Stephen Graves, an Associate Staff Analyst in the Queens Office, immediately without pay for thirty (30) days.

President Guastella moved to adjourn the meeting, which was unanimously adopted.

The next stated meeting of the Commissioners is scheduled for Tuesday, April 10, 2012 at 1:30 P.M.