

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, JANUARY 9, 2007
AT 4:00 P.M.
42 BROADWAY, 7th FLOOR HEARING ROOM
NEW YORK, NY 10004

P R E S E N T: Anthony Como, Secretary

Commissioners Graham, Sampel, Schacher, Soumas, Umane, Yennella

John Ravitz, Executive Director
George Gonzalez, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Valerie Vasquez, Director of Public Affairs
Phil Donahue, Director, Personnel
Joseph LaRocca, Coordinator, Candidate Records Unit
John Ward, Finance Officer
John O'Grady, Chief Voting Machine Technician
Ed Fraga, Gartner Consultant
Karen Viggiano, Gartner Consultant
Lucille Grimaldi, Director, EVS
Gladys Fernandez, EVS
Philip Mione, Computer Data Analyst, EVS
John Naudus, Sr. Computer Programmer, EVS
Mona Huang, Sr. Computer Programmer, EVS
Steve Denkberg, Counsel to the Commissioners
Charles Webb III, Counsel to the Commissioners

Guests: Douglas Kellner, Co-Chair, State Board of Elections
 Marjorie Shea, Women's City Club
 Adrienne Kivelson, League of Women Voters
 Teresa Hummel, Community Church of New York
 Steve Kitzinger, NYC Law Department
 Carlos Cruz-Abrams, NYC Law Department
 Spencer Fisher, NYC Law Department
 Mark Herman

Jerry Koenig

Secretary Como called the meeting to order at 1:30 P.M. in the absence of the President.

The Executive Director announced that Virginia Busti, who retired as Coordinator of Election Day Operations passed away. He asked that a moment of silence be observed in her memory. A moment of silence was observed.

Pursuant to Election Law § 3-212 (1), Commissioner Schacher moved to elect Commissioner Como as President for 2007. Commissioner Graham seconded the motion, which was adopted unanimously. Commissioner Soumas moved to elect Commissioner Sampel as Secretary for 2007. Commissioner Yennella seconded the motion, which was adopted unanimously.

President Como congratulated former President O'Connor for his leadership as President during this past year. He expressed his appreciation for his guidance, noting all the work that went into trying to

bring the Board into compliance with HAVA and other matters.

President Como moved to approve the minutes of October 31, 2006 as amended. Secretary Sampel seconded the motion, which was adopted unanimously.

President Como moved to table the minutes of November 14, 2006. Secretary Sampel seconded the motion, which was adopted unanimously.

President Como moved to table the minutes of December 12, 2006. Secretary Sampel seconded the motion, which was adopted unanimously.

President Como moved to table the minutes of December 19, 2006 as amended. Secretary Sampel seconded the motion, which was adopted unanimously.

The Executive Director reported:

- 1) That in July 2006, the U.S. Election Assistance Commission rescinded CIBER's certification to meet certain testing schedules.
- 2) The Board will hold additional public demonstrations on:
 - a. Thursday, January 11, 2007 at 5:00 P.M. Fordham University at Lincoln Center, Pope Hall, 113 West 60th Street; and
 - b. Monday, January 22, 2007 at 6:00 P.M., Medgar Evers College, 1650 Bedford Avenue, Brooklyn

Public notices had been placed in designated newspapers and letters were sent to all elected officials and community boards, notifying them of these demonstrations.

- 3) The Evaluation Team continues to conduct its review of the Request for Information (RFI) responses and will announce the date of its next public meeting once it has been set.
- 4) Individuals who wish to testify before the Commissioners at the public hearing on new Voting Systems which will be held on January 23rd at 4:00 P.M. must register by calling the Board's Phone Bank at (866) 868-3692.
- 5) The NYC Committees on Governmental Operations and

Technology will hold a hearing on Monday, January 29th at 10:00 A.M. regarding Resolution No. 131.

Commissioner Schacher moved to grant a 30-day sick leave extension for Ellen Horah, a Clerk in the Brooklyn Office. Commissioner Umame seconded the motion, which was adopted unanimously.

Commissioner Schacher moved to grant 30-days sick leave to Luann Kubler, a Clerk in the Brooklyn Office. Commissioner Umame seconded the motion, which was adopted unanimously.

The General Counsel reported that the Queens District Attorneys Office today arrested Simon Ting following its investigation into persons who may have submitted fraudulent voter registration forms in 2004 relating to the Democratic Primary in the 22 Assembly District. This investigation was commenced upon a referral by the Board of Elections in the City of New York.

The General Counsel provided the Commissioners with a Memorandum from Alex Kipp, Director of Training and Education at the

New York City Conflicts of Interest Board (COIB) inviting BOE staff to participate in Conflict of Interest Training.

Commissioner Umame authorized Board staff to set up a date for training with the Conflict of Interest Board. Secretary Sampel seconded the motion, which was adopted unanimously.

The General Counsel provided the Commissioners with a copy of the Calendar for Independent Nominating Petitions along with the Mayor's Proclamation calling Special Elections to fill the vacancies in the 40th and 51st Council Districts. He stated that the President and Secretary may need to convene a Cover Sheet Review Committee for either Friday or Tuesday, if needed.

The Coordinator, Candidate Records Unit provided the Commissioners with the draft Notice to Candidates for the Special Election for their approval.

Commissioner Umame asked whether the Board will utilize super poll sites for the Special Elections and will that information be included in

the notice to the candidates. The General Counsel advised that the Federal Court Order only applied to the 2006 Primary and General Election. There is no current court order mandating or authorizing the use of Ballot Marking Devices (BMD) in the Special Elections.

After discussion, Commissioner Umame moved to approve the draft Notice to Candidates as submitted, with the potential to modify it if the Ballot Marking Devices are used. Commissioner Graham seconded the motion, which was adopted unanimously.

Thomas Sattie, Ballot Coordinator, Candidate Records Unit asked the Commissioners to set the date to print Absentee Ballots for timely mailing for the Special Election. After discussion, Commissioner Umame move that the Board designate the close of business on January 30, 2007 to set the Absentee Ballots for the Special Elections. President Como seconded the motion, which was agreed to unanimously.

John O'Grady, Chief Voting Machine Technician suggested that the Commissioners approve 2000 as the maximum number of voters for combined Election Districts for the Special Election.

Commissioner Umame moved to authorize the respective Boroughs combined Election District, not to exceed 2000 voters for the Special Election. Secretary Sampel seconded the motion, which was adopted unanimously.

The Finance Officer provided the Commissioners with the Vacancy Report dated January 9, 2007 and with the Comparative Expenditure Report for January 2, 2007 and January 9, 2007.

President Como moved to convene an Executive Session to discuss litigation and personnel matters. Secretary Sampel seconded the motion, which was agreed to unanimously.

President Como reported that the following action was taken in Executive Session.

Unanimously authorized the staff to present the draft 2007 Voting Systems Implementation Contingency Scenarios at the 2007 Winter Conference of the Election Commissioners Association of the State of New York and to share the same with the New York State Board of Elections.

President Como moved to adjourn. Commissioner Schacher seconded the motion, which was approved unanimously.

President Como announced that the next Commissioners' meeting is scheduled for Tuesday, January 23, 2007 at 4:00 p.m.