

FREDERIC M. UMANE
PRESIDENT

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JUDITH D. STUPP
COMMISSIONERS

MARCUS CEDERQVIST
EXECUTIVE DIRECTOR

GEORGE GONZALEZ
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS
ADMINISTRATIVE MANAGER

BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
EXECUTIVE OFFICE, 32 BROADWAY
NEW YORK, NY 10004-1609
(212) 487-5300
FAX (212) 487-5349
www.vote.nyc.ny.us

AGENDA COMMISSIONERS' MEETING TUESDAY, AUGUST 11, 2009 AT 1:30 P.M.

1. Hearings
 - a) Opportunity to Ballot Petitions
 - b) Designating Petitions – Manhattan
 - c) Ballot Names – Jose Eduardo Giraldo, NYC Council Democratic Petition – 21st District
2. Minutes
 - a) 07/14/09
 - b) 07/21/09
 - c) 07/28/09
 - d) 08/03/09
3. Marcus Cederqvist
 - a) HAVA Update
4. Troy Johnson
 - a) Independent Nominating Petitions
5. John P. O'Grady
 - a) Order of Candidates (J. O'Grady & T. Sattie)
 - b) Ballot Layout (J. O'Grady & T. Sattie)
 - c) Combines for Primary Election
6. Rosanna Rahmouni
 - a) Exception Report – Brooklyn
7. John Ward
 - a) Vacancy Report
 - b) Comparative Expenditures

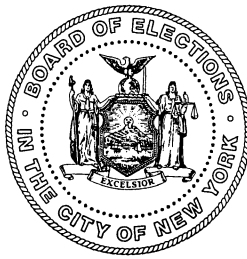
8. Executive Session
 - a) Personnel Matters

For Your Information

- 2009 Primary Certification
- Supplemental Proclamation re: Special Election – 38th Assembly District
- Proclamation re: Special Election – 38th Assembly District
- NYS Board of Elections Weekly Status Report for the Week of July 31, 2009 through August 6, 2009
- NYS Board of Elections Weekly Status Report for the Week of July 24, 2009 through July 30, 2009
- A. 8492
- A. 8527
- A. 3367
- A. 8492
- Summary S04244
- Summary S00552
- Summary S01366
- Summary S01554
- Notice of Hearing – August 5, 2009
- Letter to Mr. Cederqvist, Executive Director, from Village Independent Democrats

News Items of Interest

- *Daily News*: New pols bump into old walls
- *Daily News*: Dave's vacation blunder
- *New York Post*: Gov's election correction
- *Courier Life*: Myrick fails to get on the ballot
- *Daily News*: Glitches cost two hopefuls ballot line
- *Full Disclosure*: News from the NYC Campaign Finance Board - July 2009, No. 11
- *Courier Life*: De Blasio back on the ballot
- *The New York Times*: Councilman Is Reinstated on the Ballot for Advocate
- *Daily News*: Special election decried



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JOHN J. WARD
FINANCE OFFICER

DATE: August 04, 2009
TO: Commissioners

FROM: John Ward
Finance Officer.

RE: Vacancies

					Inc.	New.
1	Assistant General Counsel					\$75,000
2	Valerie Marshall	Adm. Asst.	N.Y.	Dem.	\$39,440	\$37,562
3	Robert Helenius	VMT	Bklyn	Rep.	\$27,818	\$26,493
4	Lisa Sattie	Adm. Asst.	S.I.	Dem.	\$39,440	\$37,562
5	Steve Morena	Clerk.	Qns	Rep.	\$27,111	\$25,820
6	Roselie DeDomenico	Clerk.	Qns	Dem.	\$27,111	\$25,820
7	Matthew FX Smith	Adm Assoc	Bklyn	Rep.	\$46,878	\$44,646



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JOHN J. WARD
FINANCE OFFICER

DATE: August 11, 2009
TO: Commissioners

FROM: John J. Ward
Finance Officer

RE: Comparative Expenditures


FY10	P.S. Projection through 8/07/09 Payroll:	\$ 1,938,000
FY10	P.S. Actual through 8/07/09 Payroll:	<u>\$ 2,040,890</u>
	Difference	(\$ 102,890)

Overtime pays two weeks ending 7/24/09

OVERTIME USAGE

General Office	185,781
Brooklyn	76,698
Queens	41,864
Bronx	35,320
New York	60,326
Staten Island	<u>8,667</u>
Total	\$408,656

Respectfully submitted,


Finance Officer

FYI

Marcus Cederqvist

From: NYS Election Operations [election_ops@elections.state.ny.us]
Sent: Monday, August 10, 2009 4:52 PM
Subject: 2009 Primary Certification



Todd and Stan
letter 8-10-09.p...

Attached please find the certification for this year's Primary Election. We have no primary contests to certify to you, as the attached will bear out.

Thank you.



STATE BOARD OF ELECTIONS

40 STEUBEN STREET
ALBANY, N.Y. 12207-2108

Phone: 518/474-6336 Fax: 518/474-1008
URL: <http://www.elections.state.ny.us>

Todd D. Valentine
Co-Executive Director

Stanley L. Zalen
Co-Executive Director

We, Todd D. Valentine and Stanley L. Zalen, being Co-Executive Directors of the New York State Board of Elections, hereby certify that there are no documents on file at the State Board of Elections which create contests for which Primary Elections be conducted in order to determine the winners thereof, thus we have no names of candidates to transmit to you for placement on the September 15, 2009 Primary Ballot of your County.

Be advised that we will require that the certified results of any Primary elections you are conducting for the offices of Member of State Committee, Delegate to a Judicial Convention or Alternate Delegate to a Judicial Convention, be transmitted to us forthwith, so that official Party and Judicial Convention Roll Calls can be prepared, certified and distributed.

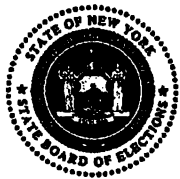
Be further advised that a list of judges assigned to election duties for the September 15, 2009 Primary will be provided to you at a later date.

GIVEN under our hands and seal of the office of the State Board of Elections, in the City of Albany, this 10th day of August, 2009

Todd D. Valentine
Co-Executive Director

Stanley L. Zalen
Co Executive Director

FYI



STATE BOARD OF ELECTIONS

James A. Walsh
Co-Chair

Gregory P. Peterson
Commissioner

Todd D. Valentine
Co-Executive Director

40 STEUBEN STREET
ALBANY, N.Y. 12207-2108
Phone: 518/474-6336 Fax: 518/474-1008
URL: <http://www.elections.state.ny.us>

Douglas A. Kellner
Co-Chair

Evelyn J. Aquila
Commissioner

Stanley L. Zalen
Co-Executive Director

MEMORANDUM

TO: New York City Board of Elections (Queens County)

FROM: Todd D. Valentine Stanley L. Zalen
Co-Executive Director Co-Executive Director

DATE: August 7, 2009

SUBJECT: Special Election – 38th Assembly District

Please be advised that Governor David A. Paterson issued a supplemental proclamation concerning the 38th Assembly District.

Attached please find a copy of the Governor's proclamation.

TDV/SLZ/lis
Enclosures

cc: NYS Party Chairs



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

DAVID A. PATERSON
GOVERNOR

DAVID WEINSTEIN
FIRST ASSISTANT COUNSEL
TO THE GOVERNOR

August 7, 2009

Stanley L. Zalen, Co-Executive Director
Todd D. Valentine, Co-Executive Director
New York State Board of Elections
40 Steuben Street
Albany, New York 12207-2108

Enclosed please find a copy of a Proclamation executed by Governor Paterson on this date revoking the Proclamation declaring a Special Election on September 15, 2009.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David Weinstein".

David Weinstein, Esq.
First Assistant Counsel to the Governor

Enclosures

RECEIVED
AUG 07 2009
NYS Board of Elections
3:40pm



State of New York

AUG - 7 2009

Department of State
Secretary of State



PROCLAMATION

WHEREAS, a vacancy exists in the office of Member of Assembly from the thirty-eighth Assembly District, Queens County, caused by the resignation of Anthony Seminerio, Member of Assembly from the said District; and

WHEREAS, a proclamation was issued on this date in regard to the date for an election for such vacancy in error;

NOW, THEREFORE, I, David A. Paterson, Governor of the State of New York, pursuant to Section 42 of the Public Officers Law, do hereby order and proclaim that the proclamation setting the fifteenth of September in the year two thousand nine as the date of election for Member of Assembly in the place and for the unexpired term of the said Anthony Seminerio be revoked, and be hereby declared null and void.



GIVEN under my hand and the Privy Seal
of the State this seventh day of
August in the year two thousand
nine.

BY THE GOVERNOR

David A. Paterson

Lance Schwartz
Secretary to the Governor

FYI



STATE BOARD OF ELECTIONS

James A. Walsh
Co-Chair

Douglas A. Kellner
Co-Chair

Gregory P. Peterson
Commissioner

Evelyn J. Aquila
Commissioner

Todd D. Valentine
Co-Executive Director

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ALBANY, N.Y. 12207-2108
Phone: 518/474-6336 Fax: 518/474-1008
URL: <http://www.elections.state.ny.us>

Stanley L. Zalen
Co-Executive Director

MEMORANDUM

TO: New York City Board of Elections (Queens County)

FROM: Todd D. Valentine Stanley L. Zalen
Co-Executive Director Co-Executive Director

DATE: August 7, 2009

SUBJECT: Special Election – 38th Assembly District

Please be advised that Governor David A. Paterson issued a proclamation for a special election for the:

38th Assembly District – Due to the resignation of Hon. Anthony S. Seminerio.

The date of this special election has been set for September 15, 2009 and shall be conducted by you in a manner consistent with all special election provisions of the New York State Election Law and its rules and regulations.

Enclosed please find a copy of the Governor’s proclamation and a calendar which sets forth all pertinent dates concerning this special election.

TDV/SLZ/lis
Enclosures

cc: NYS Party Chairs



State of New York

STATE BOARD OF ELECTIONS

40 STEUBEN STREET

ALBANY, N.Y. 12207

Phone: 518/474-6220 Fax: 518/486-4068

OFFICIAL SPECIAL ELECTION POLITICAL CALENDAR

38th Assembly District (Seminerio);

SPECIAL ELECTION: September 15, 2009

Date of Proclamation: August 7, 2009

PARTY NOMINATIONS

August 17	Last day to file Certificate of Nomination	§6-158(6)
August 19	Last day to accept or decline nomination	§6-158(7)
August 21	Last day to authorize nomination	§6-120(3)
August 21	Last day to file Substitution to fill vacancy created by a declination	§6-158(8)
August 25	Last day to authorize substitution	§6-120(3)

INDEPENDENT NOMINATING PETITIONS

August 7	First day to sign	§6-138(4)
August 19	Last day to file petition	§6-158(9)
August 21	Last day to accept or decline nomination	§6-158(11)
August 24	Last day to file substitution to fill vacancy created by a declination	§6-158(12)

REGISTRATION CUT-OFF DATES

August 21	Last day to mail (postmark) registration form	§5-210(3)
August 26	Last day for Board of Elections to receive mail registration form	§5-210(3)
September 4	Last day to register in person at the Board of Elections	§5-210(3)

ABSENTEE BALLOTS

September 8	Last day to postmark application by mail	§8-400(2)(c)
September 14	Last day to apply in person at board of elections for absentee ballot	§8-400(2)(c)
September 14	Last day to postmark absentee ballot	§8-412(1)
September 15	Last day to deliver absentee ballot in person to board of elections	§8-412(2)
September 22	Last day for the board of elections to receive absentee ballot by mail	§8-412(2)

FINANCIAL DISCLOSURE FILING DATES

September 4	11 Day Pre-Election	19 NYCRR § 6200.2(a)
October 13	27 Day Post-Election	19 NYCRR § 6200.2(a)



State of New York

AUG 07 2009

Department of State
Secretary of State

State of New York

Executive Chamber

PROCLAMATION

WHEREAS, a vacancy exists in the office of Member of Assembly from the thirty-eighth Assembly District, Queens County, caused by the resignation of Anthony Seminerio, Member of Assembly from the said District;

NOW, THEREFORE, I, David A. Paterson, Governor of the State of New York, pursuant to Section 42 of the Public Officers Law, do hereby order and proclaim that an election for Member of Assembly in the place and for the unexpired term of the said Anthony Seminerio, be held in the thirty-eighth Assembly District on the fifteenth day of September, two thousand nine, such election to be conducted in the manner prescribed by law for election of New York State Members of Assembly.



GIVEN under my hand and the Privy Seal
of the State this seventh day of
August in the year two thousand
nine.

BY THE GOVERNOR

Lawrence Schwadsky
Secretary to the Governor

David A. Paterson



State of New York
STATE BOARD OF ELECTIONS

James A. Walsh
Chair
Douglas A. Kellner
Chair
Gregory P. Peterson
Commissioner
Evelyn J. Aquila
Commissioner

40 STEUBEN STREET
ALBANY, N.Y. 12207
Phone: 518/474-6367 Fax: 518/486-4546
website: www.elections.state.ny.us

Todd D. Valentine
Executive Director
Stanley L. Zalen
Executive Director
Kimberly A. Galvin
Special Counsel
Paul M. Collins
Deputy Counsel

August 7, 2009

Honorable Gary L. Sharpe
United States District Court
for the Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, New York 12207

Re: *United States v. New York State Board of Elections, et al.*
Civil Action No. 06-CV-0263 (GLS)

Dear Judge Sharpe,

We enclose herewith Status Report of the Defendant New York State Board of Elections for the week ending August 6, 2009.

Respectfully submitted,

s/ _____
Kimberly A. Galvin (505011)
Special Counsel

s/ _____
Paul M. Collins (101384)
Deputy Special Counsel

NEW YORK STATE BOARD OF ELECTIONS

HAVA COMPLIANCE UPDATE
Activities & Progress for the Week of 7/31/09-8/06/09

Following is a detailed report concerning the previous week's progress in implementing the terms of the Court's Orders.

PLAN A

Overall Compliance Status Summary

Overall, activities and progress toward HAVA compliance are on schedule

Contracting with Voting System Vendors

Status of tasks in this category: on schedule

- NYSBOE continues to have conversations with both OGS and the vendors regarding various contracting issues.
- NYSBOE is awaiting the approval of the SysTest contractual cap increase by OSC.

Testing, Certification, and Selection of Voting Systems & Devices

Status of tasks in this category: on schedule with revised time line

- Overall progress of testing :
 - SysTest is on schedule to begin Run For Record on 8/10/09.
 - NYSBOE and NYSTEC will have representatives at SysTest to witness the trusted build.

NEW YORK STATE BOARD OF ELECTIONS

Delivery and Implementation of Voting Systems & Devices

Status of tasks in this category: on schedule

- Acceptance and Functional testing for the Pilot systems continue. All of the ES&S machines have been tested and sent to the counties. The Dominion machines will be completed early next week.
- All pilot counties are currently in possession of any machines needed to run this Fall's pilot elections.

HAVA COMPLAINT PROCESS

NYC HAVA Complaint

The public comment period on the proposed regulation addressing the issue in question closed on July 27, 2009. Comments are being reviewed. It is anticipated that the Board will vote to adopt the regulation at the September board meeting.



State of New York
STATE BOARD OF ELECTIONS

James A. Walsh
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Commissioner

40 STEUBEN STREET
ALBANY, N.Y. 12207
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Todd D. Valentine
Executive Director
Stanley L. Zalen
Executive Director
Kimberly A. Galvin
Special Counsel
Paul M. Collins
Deputy Counsel

July 31, 2009

Honorable Gary L. Sharpe
United States District Court
for the Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, New York 12207

Re: *United States v. New York State Board of Elections, et al.*
Civil Action No: 06-CV-0263 (GLS)

Dear Judge Sharpe,

We enclose herewith Status Report of the Defendant New York State Board of Elections for the week ending July 30, 2009.

Respectfully submitted,

s/ _____
Kimberly A. Galvin (505011)
Special Counsel

s/ _____
Paul M. Collins (101384)
Deputy Special Counsel

HAVA COMPLIANCE UPDATE
Activities & Progress for the Week of 7/24/09-7/30/09

Following is a detailed report concerning the previous week's progress in implementing the terms of the Court's Orders.

PLAN A

Overall Compliance Status Summary

Overall, activities and progress toward HAVA compliance are on schedule

Contracting with Voting System Vendors

Status of tasks in this category: on schedule

- NYSBOE continues to challenge invoices submitted from ES&S at higher rates than those initially submitted on July 22, 2009. In addition NYSBOE is continuing to work on contract adds with OGS, OSC and vendors.
- NYSBOE continues to work with OGS on any issues that arise in the context of the contract assignment from Sequoia to Dominion.

Testing, Certification, and Selection of Voting Systems & Devices

Status of tasks in this category: on schedule with revised time line

- Overall progress of testing :
 - Multiple test case procedures have been provided by SysTest to NYSTEC, for review and approval.
 - NYSTEC continues to review Test Desk procedures, in anticipation of revising county board procedure documents. .
 - The new ES&S hash checking procedure is being reviewed and drafted.
 - The upgrade to the voting system approved by the Board at the last Board meeting has been provided to the county boards.

Delivery and Implementation of Voting Systems & Devices

Status of tasks in this category: on schedule,

- Acceptance and Functional testing for the Pilot systems continue.
- All of the ES&S machines have been tested and delivered to the counties.
- An initial delivery of Dominion ImageCast systems have been delivered, and will be prepared for acceptance testing.
- While the Dominion systems are still being acceptance tested, all machines needed by the counties for the primary election this Fall are in the possession of the participating pilot counties. All Dominion machines will be tested and delivered by August 30th.
- Every county but one has been cooperative in the upgrade of the Dominion machines. It continues to refuse to release its machines to the vendor for upgrade purposes. The State Board is formulating a response to the county's position and the Department of Justice has been notified of the situation.

HAVA COMPLAINT PROCESS

NYC HAVA Complaint

The public comment period on the proposed regulation addressing the issue in question closed on July 27, 2009. Comments are being reviewed. It is anticipated that the Board will vote to adopt the regulation at a late August or September board meeting.



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STEVEN H. RICHMAN
GENERAL COUNSEL
Tel: (212) 487-5338
Fax: (212) 487-5342
E-Mail:
srichman@boe.nyc.ny.us

**TO: Peter J. Kiernan, Esq.
Counsel to the Governor of the State of New York**

**FROM: Steven H. Richman
General Counsel**

RE: A. 8492

DATE: August 7, 2009

The Board of Elections in the City of New York is in receipt of the request from your office for comments by the Board on A. 8492.

The Board of Elections in the City of New York seeks to provide the Governor with the following comments and concerns with respect to this bill.

The City Board believes that the Boards of Elections in the 57 Counties and the City of New York are in the best position to make the determination as to the appropriate number of voting systems to be assigned and used at each poll site. Each is keenly aware of the specific and often unique needs and requirements of a poll site and the community it serves.

This bill would grant the authority to prescribe the number of voting systems to be deployed by local Boards of Elections at each poll site

to The New York State Board of Elections which does not conduct any elections. Accordingly, it has no actual experience as to what happens at a poll site on Election Day.

The enactment of this bill would simply add another unneeded bureaucratic step to an already difficult and complex process. Under the State's Election Reform and Modernization Act, the number of voting systems to be used has been delegated to the local Boards of Elections, subject to the statute's requirements.

Accordingly, the City Board recommends that the Governor NOT APPROVE A. 8492. The Board appreciates this opportunity to share its views with you. As always, if you have any questions or require additional feel free to contact me.



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STEVEN H. RICHMAN
GENERAL COUNSEL
Tel: (212) 487-5338
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E-Mail:
srichman@boe.nyc.ny.us

**TO: Peter J. Kiernan, Esq.
Counsel to the Governor of the State of New York**

**FROM: Steven H. Richman
General Counsel**

RE: A. 8527

DATE: August 7, 2009

The Board of Elections in the City of New York is in receipt of the request from your office for comments by the Board on A. 8527.

The Board of Elections in the City of New York seeks to provide the Governor with the following comments and concerns with respect to this bill.

The City Board believes that the Boards of Elections in the 57 Counties outside the City of New York and this Board within the City, are in the best position to make the determination as to the appropriate format and layout of paper ballots to be used with the new voting system. Each is keenly aware of the specific and often unique needs and requirements for their jurisdiction. For example, in the City of New York, currently the ballots of some election districts are mandated to be printed in English and Spanish. Others must include Chinese or Korean as well as English and Spanish. Finally,

some election districts ballots must contain all four languages pursuant to Section 203 of the federal Voting Rights Act of 1965, as amended. Another example is the City's obligation to have rotation on a primary ballot, which does not apply to any other jurisdiction within this State.

This bill would grant the to The New York State Board of Elections, the authority to approve the manner and configuration of each paper ballot. It is important tot note that the State Board does not conduct any elections. Accordingly, it has no actual experience as to what happens at a poll site on Election Day or how important it is for a local Board to be able to address specific problems and concerns.

Also, the bill does not provide a clear and expeditious procedure to be used by the State Board to accommodate last minute ballot changes that are often required by judicial determination.

The enactment of this bill would simply add another unneeded bureaucratic step to an already difficult and complex process. Boards of Elections throughout this State have prepared ballots for use in each and every election without significant problem. The enactment of this legislation may prove to be costly and time consuming, at a time when Boards of Elections do not have enough of either.

Accordingly, the City Board recommends that the Governor NOT APPROVE A. 8527. The Board appreciates this opportunity to share its views with you. As always, if you have any questions or require additional feel free to contact me.



FREDERIC M. UMANE
PRESIDENT

JULIE DENT
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srichman@boe.nyc.ny.us

**TO: Peter J. Kiernan, Esq.
Counsel to the Governor of the State of New York**

**FROM: Steven H. Richman
General Counsel**

RE: A. 3367

DATE: August 7, 2009

The Board of Elections in the City of New York is in receipt of the request from your office for comments by the Board on A. 3367.

The Board of Elections in the City of New York seeks to provide the Governor with the following comments and concerns with respect to this bill.

After review and deliberation, the Commissioners of the Board of Elections in the City of New York take no position on the merits of this bill.

The Board appreciates this opportunity to share its views with you. As always, if you have any questions or require additional feel free to contact me.



FREDERIC M. UMANE
PRESIDENT

JULIE DENT
SECRETARY

JOSE MIGUEL ARAUJO
JUAN CARLOS "J.C." POLANCO
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JUDITH D. STUPP
COMMISSIONERS

BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
EXECUTIVE OFFICE, 32 BROADWAY
NEW YORK, NY 10004-1609
(212) 487-5300
www.vote.nyc.ny.us


MARCUS CEDERQVIST
EXECUTIVE DIRECTOR

GEORGE GONZALEZ
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS
ADMINISTRATIVE MANAGER

STEVEN H. RICHMAN
GENERAL COUNSEL
Tel: (212) 487-5338
Fax: (212) 487-5342
E-Mail:
srichman@boe.nyc.ny.us

**TO: Peter J. Kiernan, Esq.
Counsel to the Governor of the State of New York**

**FROM: Steven H. Richman
General Counsel** 

RE: A. 8492

DATE: August 7, 2009

The Board of Elections in the City of New York is in receipt of the request from your office for comments by the Board on A. 8492.

The Board of Elections in the City of New York seeks to provide the Governor with the following comments and concerns with respect to this bill.

Please note that the City Board reviewed this bill at two successive public meetings and received numerous comments in support from voters within the City of New York.

Pursuant to the direction of the Commissioners, the City Board's staff surveyed our existing poll sites and determined that with the exception noted below, the City Board now uses only three (3) poll sites that are not currently compliant with Americans with Disabilities Act and the U.S. Department of Justice's Guidelines for Poll Site

Accessibility. The City Board believes that it can locate alternative poll sites for those locations prior to the effective date of this bill.

The DOJ guidelines also calls for at least two dedicated and accessible parking spaces at each poll site. Almost all of our current poll sites do not have such dedicated parking facilities.

The City Board would have to work with the City of New York, including its Police and Transportation Departments to insure that such space is made available at poll sites on Election Days.

The Commissioners believe that the enactment of this bill sends a strong message to the disability community that the State of New York and its dedicated election administrators are committed to eliminating barriers to participation in our democratic process. While some additional costs will be incurred, it is outweighed by the benefits of signing this bill into law would provide.

Accordingly, the City Board recommends that the Governor **APPROVE A. 8429**. The Board appreciates this opportunity to share its views with you. As always, if you have any questions or require additional feel free to contact me.



Friday, August 7, 2009

Summary - S04244

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Text](#)

*Canmb
1242*

S04244 Summary:

BILL NO S04244
 SAME AS Same as A 2481-A
 SPONSOR ADDABBO
 COSPNSR
 MLTSPNSR
 Amd S4-117, E1 L

Relates to the checks of registrants and information notice by mail; provides that between August first and August fifth of each year the board of elections shall notify individuals of their polling place and other information.

S04244 Actions:

BILL NO S04244

04/20/2009 REFERRED TO ELECTIONS
 04/28/2009 1ST REPORT CAL.234
 04/29/2009 2ND REPORT CAL.
 05/04/2009 ADVANCED TO THIRD READING
 05/26/2009 PASSED SENATE
 05/26/2009 DELIVERED TO ASSEMBLY
 05/26/2009 referred to election law
 06/22/2009 substituted for a2481a
 06/22/2009 ordered to third reading cal.219
 06/22/2009 passed assembly
 06/22/2009 returned to senate
 07/17/2009 DELIVERED TO GOVERNOR
 → 07/28/2009 SIGNED CHAP.288 ←

S04244 Votes:

BILL: S04244 DATE: 06/22/2009 MOTION:

YEA/NAY: 130/000

Abbate	Y	Cahill	Y	Englebr	Y	Hooper	Y	Maisel	Y	Powell	ER	Skartad	Y
Alessi	ER	Calhoun	Y	Errigo	Y	Hoyt	Y	Markey	ER	Pretlow	Y	Spano	Y
Alfano	Y	Camara	ER	Espail	Y	Hyer-Sp	Y	Mayerso	Y	Quinn	Y	Stirpe	Y
Amedore	Y	Canestr	Y	Farrell	Y	Jacobs	Y	McDonou	Y	Rabbitt	Y	Sweeney	Y
Arroyo	Y	Carrozz	ER	Fields	Y	Jaffee	Y	McEney	Y	Raia	Y	Tedisco	Y
Aubry	Y	Castro	Y	Finch	Y	Jeffrie	Y	McKevit	Y	Ramos	Y	Thiele	Y
Bacalle	Y	Christe	Y	Fitzpat	Y	John	Y	Meng	ER	Reilich	Y	Titone	Y
Ball	Y	Clark	Y	Gabrysz	Y	Jordan	Y	Miller	Y	Reilly	Y	Titus	Y
Barclay	Y	Colton	Y	Galef	Y	Kavanag	Y	Millman	Y	Rive J	Y	Tobacco	Y
Barra	Y	Conte	Y	Gantt	ER	Kellner	Y	Molinar	Y	Rive N	ER	Towns	Y
Barron	ER	Cook	Y	Gianari	Y	Kolb	Y	Morelle	Y	Rive PM	Y	Townsen	Y
Benedet	Y	Corwin	Y	Gibson	Y	Koon	Y	Nolan	ER	Robinso	Y	Walker	Y
Benjami	Y	Crespo	Y	Giglio	Y	Lancman	Y	Oaks	Y	Rosenth	Y	Weinste	Y
Bing	Y	Crouch	Y	Glick	Y	Latimer	Y	O'Donne	ER	Russell	Y	Weisenb	Y
Boyland	ER	Cusick	Y	Gordon	Y	Lavine	Y	O'Mara	Y	Saladin	ER	Weprin	Y
Boyle	Y	Cymbrow	Y	Gottfri	Y	Lentol	Y	Ortiz	Y	Sayward	Y	Wright	Y
Bradley	Y	DelMont	Y	Gunther	Y	Lifton	Y	Parment	Y	Scarbor	Y	Zebrows	Y
Brennan	Y	DenDekk	Y	Hawley	Y	Lope PD	Y	Paulin	Y	Schimel	Y	Mr Spkr	Y
Brodsky	Y	Destito	Y	Hayes	Y	Lope VJ	ER	Peoples	ER	Schimmi	Y		
Brook-K	Y	Dinowit	Y	Heastie	Y	Lupardo	Y	Peralta	Y	Schroed	Y		
Burling	ER	Duprey	Y	Hevesi	ER	Magee	Y	Perry	ER	Scozzaf	Y		
Butler	Y	Eddingt	ER	Hikind	Y	Magnare	Y	Pheffer	Y	Seminer	ER		

S04244 Memo:

Contact Webmaster

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Friday, August 7, 2009

Summary - S00552

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Text](#)

S00552 Summary:

BILL NO S00552

SAME AS Same as Uni. A 1559

SPONSOR KRUGER

COSPNSR

MLTSPNSR

Add S3-506, El L

Directs board of elections in a city of over one million to furnish voting materials in Russian language as well as in English; further directs the board of elections to produce and disseminate a citywide booklet that includes a voter registration form in English with instructions in Russian and other instructions.

S00552 Actions:

BILL NO S00552

01/07/2009 REFERRED TO ELECTIONS
 03/10/2009 REPORTED AND COMMITTED TO FINANCE
 04/07/2009 1ST REPORT CAL.158
 04/20/2009 2ND REPORT CAL.
 04/21/2009 ADVANCED TO THIRD READING
 05/19/2009 PASSED SENATE
 05/19/2009 DELIVERED TO ASSEMBLY
 05/19/2009 referred to election law
 05/26/2009 substituted for a1559
 05/26/2009 ordered to third reading cal.507
 05/26/2009 passed assembly
 05/26/2009 returned to senate
 07/17/2009 DELIVERED TO GOVERNOR
 → 07/28/2009 SIGNED CHAP.244 ←
 07/28/2009 APPROVAL MEMO.7

*Am mb
Ry2*

S00552 Votes:

BILL: S00552 DATE: 05/26/2009 MOTION:

YEA/NAY: 116/027

Abbate	Y	Cahill	Y	Errigo	NO	Hyer-Sp	Y	Mayerso	ER	Quinn	NO	Stirpe	Y
Alessi	Y	Calhoun	NO	Espail	Y	Jacobs	Y	McDonou	Y	Rabbitt	NO	Sweeney	Y
Alfano	Y	Camara	Y	Farrell	Y	Jaffee	Y	McEneny	Y	Raia	Y	Tedisco	NO
Amedore	Y	Canestr	Y	Fields	Y	Jeffrie	Y	McKevit	Y	Ramos	Y	Thiele	Y
Arroyo	Y	Carrozz	Y	Finch	NO	John	Y	Meng	Y	Reilich	NO	Titone	Y
Aubry	Y	Castro	Y	Fitzpat	Y	Jordan	NO	Miller	Y	Reilly	Y	Titus	Y
Bacalle	NO	Christe	Y	Gabrysz	Y	Kavanag	Y	Millman	Y	Rive J	Y	Tobacco	Y
Ball	NO	Clark	Y	Galef	Y	Kellner	Y	Molinar	NO	Rive N	Y	Towns	Y
Barclay	NO	Colton	Y	Gantt	Y	Kolb	NO	Morelle	Y	Rive PM	Y	Townsen	NO
Barra	NO	Conte	Y	Gianari	Y	Koon	Y	Nolan	Y	Robinso	Y	Walker	ER
Barron	Y	Cook	Y	Giglio	NO	Lancman	Y	Oaks	NO	Rosenth	Y	Weinste	Y
Benedet	Y	Corwin	NO	Glick	Y	Latimer	Y	O'Donne	Y	Russell	Y	Weisenb	ER
Benjami	NO	Crouch	NO	Gordon	Y	Lavine	Y	O'Mara	NO	Saladin	Y	Weprin	Y
Bing	Y	Cusick	Y	Gottfri	Y	Lentol	Y	Ortiz	Y	Sayward	Y	Wright	Y
Boyland	Y	Cymbrow	Y	Gunther	Y	Lifton	Y	Parment	Y	Scarbor	Y	Zebrows	Y
Boyle	ER	DelMont	Y	Hawley	NO	Lope PD	NO	Paulin	Y	Schimel	Y	Mr Spkr	Y
Bradley	Y	DenDekk	Y	Hayes	NO	Lope VJ	ER	Peoples	Y	Schimmi	Y		
Brennan	Y	Destito	Y	Heastie	Y	Lupardo	Y	Peralta	Y	Schroed	Y		
Brodsky	Y	Dinowit	Y	Hevesi	Y	Magee	Y	Perry	Y	Scozzaf	Y		
Brook-K	Y	Duprey	NO	Hikind	Y	Magnare	Y	Pheffer	Y	Seminer	Y		
Burling	NO	Eddingt	Y	Hooper	Y	Maisel	Y	Powell	Y	Skartad	Y		
Butler	NO	Englebr	Y	Hoyt	Y	Markey	Y	Pretlow	Y	Spano	Y		

S00552 Memo:

Contact Webmaster

Page display time = 0.0242 sec



Friday, August 7, 2009

Summary - S01366

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[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Text](#)

S01366 Summary:

BILL NO S01366

SAME AS Same as A 4959

SPONSOR DILAN

COSPNSR ADAMS, DIAZ, HASSELL-THOMPSON, KRUEGER, ONORATO, OPPENHEIMER, PARKER, SAMPSON, SCHNEIDERMAN, STAVISKY

MLTSPNSR

Amd S6-140, E1 L

Reestablishes the sole qualification for a witness to an independent nominating petition as a qualified voter of the state of New York.

S01366 Actions:

BILL NO S01366

- 01/29/2009 REFERRED TO ELECTIONS
- 02/10/2009 1ST REPORT CAL.36
- 02/11/2009 2ND REPORT CAL.
- 02/23/2009 ADVANCED TO THIRD READING
- 02/26/2009 PASSED SENATE
- 02/26/2009 DELIVERED TO ASSEMBLY
- 02/26/2009 referred to election law
- 06/15/2009 substituted for a4959
- 06/15/2009 ordered to third reading rules cal.235
- 06/15/2009 passed assembly
- 06/16/2009 returned to senate
- 07/17/2009 DELIVERED TO GOVERNOR
- 07/28/2009 SIGNED CHAP.246 ←

S01366 Votes:

BILL: S01366 DATE: 06/15/2009 MOTION:

YEA/NAY: 132/011

Abbate	Y	Cahill	Y	Englebr	Y	Hooper	ER	Maisel	Y	Powell	Y	Skartad	Y
Alessi	Y	Calhoun	Y	Errigo	Y	Hoyt	Y	Markey	Y	Pretlow	Y	Spano	Y
Alfano	Y	Camara	Y	Espail	Y	Hyer-Sp	Y	Mayerse	Y	Quinn	Y	Stirpe	Y
Amedore	Y	Canestr	Y	Farrell	Y	Jacobs	Y	McDonou	Y	Rabbitt	Y	Sweeney	NO
Arroyo	Y	Carrozz	Y	Fields	Y	Jaffee	NO	McEneny	Y	Raia	Y	Tedisco	Y
Aubry	NO	Castro	Y	Finch	ER	Jeffrie	Y	McKevit	Y	Ramos	Y	Thiele	Y
Bacalle	Y	Christe	NO	Fitzpat	Y	John	Y	Meng	Y	Reilich	Y	Titone	Y
Ball	Y	Clark	NO	Gabrysz	Y	Jordan	Y	Miller	Y	Reilly	Y	Titus	ER
Barclay	Y	Colton	Y	Galef	Y	Kavanag	Y	Millman	Y	Rive J	Y	Tobacco	Y
Barra	Y	Conte	Y	Gantt	NO	Kellner	NO	Molinar	Y	Rive N	Y	Towns	Y
Barron	ER	Cook	Y	Gianari	Y	Kolb	Y	Morelle	Y	Rive PM	Y	Townsen	Y
Benedet	Y	Corwin	Y	Gibson	Y	Koon	Y	Nolan	Y	Robinso	ER	Walker	Y
Benjami	Y	Crespo	Y	Giglio	Y	Lancman	Y	Oaks	Y	Rosenth	Y	Weinste	Y
Bing	Y	Crouch	Y	Glick	Y	Latimer	NO	O'Donne	Y	Russell	Y	Weisenb	Y
Boyland	ER	Cusick	Y	Gordon	Y	Lavine	Y	O'Mara	NO	Saladin	Y	Weprin	Y
Boyle	Y	Cymbrow	Y	Gottfri	Y	Lentol	Y	Ortiz	Y	Sayward	Y	Wright	Y
Bradley	Y	DelMont	Y	Gunther	Y	Lifton	NO	Parment	Y	Scarbor	Y	Zebrows	Y
Brennan	NO	DenDekk	Y	Hawley	Y	Lope PD	Y	Paulin	Y	Schimel	Y	Mr Spkr	Y
Brodsky	Y	Destito	Y	Hayes	Y	Lope VJ	ER	Peoples	Y	Schimmi	Y		
Brook-K	Y	Dinowit	Y	Heastie	Y	Lupardo	Y	Peralta	Y	Schroed	Y		
Burling	Y	Duprey	Y	Hevesi	Y	Magee	Y	Perry	Y	Scozzaf	Y		
Butler	Y	Eddingt	Y	Hikind	Y	Magnare	Y	Pheffer	Y	Seminer	Y		

S01366 Memo:

Contact Webmaster

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Friday, August 7, 2009

Summary - S01554

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Text](#)

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142*

S01554 Summary:

BILL NO S01554

SAME AS Same as A 4962

SPONSOR DILAN

COSPNSR ADDABBO, ADAMS, BRESLIN, DIAZ, HASSELL-THOMPSON, KRUEGER, ONORATO, PARKER, SAMPSON, SAVINO, SCHNEIDERMAN, SERRANO, STAVISKY, VALESKY, ADAMS

MLTSPNSR

Amd S9-209, E1 L

Requires the board of inspectors to cast and canvas an affidavit ballot of an eligible voter if the voter appeared at the correct polling place but in the incorrect election district.

S01554 Actions:

BILL NO S01554

- 02/02/2009 REFERRED TO ELECTIONS
- 02/10/2009 1ST REPORT CAL.37
- 02/11/2009 2ND REPORT CAL.
- 02/23/2009 ADVANCED TO THIRD READING
- 03/02/2009 PASSED SENATE
- 03/02/2009 DELIVERED TO ASSEMBLY
- 03/02/2009 referred to election law
- 03/16/2009 substituted for a4962
- 03/16/2009 ordered to third reading cal.235
- 06/22/2009 passed assembly
- 06/22/2009 returned to senate
- 07/17/2009 DELIVERED TO GOVERNOR
- 07/28/2009 SIGNED CHAP.248 ←

S01554 Votes:

BILL: S01554 DATE: 06/22/2009 MOTION:

YEA/NAY: 131/000

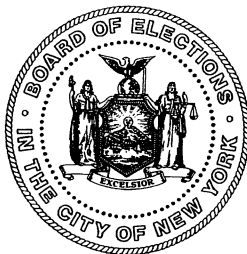
Abbate	Y	Cahill	Y	Englebr	Y	Hooper	Y	Maisel	Y	Powell	ER	Skartad	Y
Alessi	Y	Calhoun	Y	Errigo	Y	Hoyt	Y	Markey	ER	Pretlow	Y	Spano	Y
Alfano	Y	Camara	ER	Espail	Y	Hyer-Sp	Y	Mayerse	Y	Quinn	Y	Stirpe	Y
Amedore	Y	Canestr	Y	Farrell	Y	Jacobs	Y	McDonou	Y	Rabbitt	Y	Sweeney	Y
Arroyo	Y	Carrozz	ER	Fields	Y	Jaffee	Y	McEneny	Y	Raia	Y	Tedisco	Y
Aubry	Y	Castro	Y	Finch	Y	Jeffrie	Y	McKevit	Y	Ramos	Y	Thiele	Y
Bacalle	Y	Christe	Y	Fitzpat	Y	John	Y	Meng	ER	Reilich	Y	Titone	Y
Ball	Y	Clark	Y	Gabrysz	Y	Jordan	Y	Miller	Y	Reilly	Y	Titus	Y
Barclay	Y	Colton	Y	Galef	Y	Kavanag	Y	Millman	Y	Rive J	Y	Tobacco	Y
Barra	Y	Conte	Y	Gantt	ER	Kellner	Y	Molinar	Y	Rive N	ER	Towns	Y
Barron	ER	Cook	Y	Gianari	Y	Kolb	Y	Morelle	Y	Rive PM	Y	Townsen	Y
Benedet	Y	Corwin	Y	Gibson	Y	Koon	Y	Nolan	ER	Robinso	Y	Walker	Y
Benjami	Y	Crespo	Y	Giglio	Y	Lancman	Y	Oaks	Y	Rosenth	Y	Weinste	Y
Bing	Y	Crouch	Y	Glick	Y	Latimer	Y	O'Donne	ER	Russell	Y	Weisenb	Y
Boyland	ER	Cusick	Y	Gordon	Y	Lavine	Y	O'Mara	Y	Saladin	ER	Weprin	Y
Boyle	Y	Cymbrow	Y	Gottfri	Y	Lentol	Y	Ortiz	Y	Sayward	Y	Wright	Y
Bradley	Y	DelMont	Y	Gunther	Y	Lifton	Y	Parment	Y	Scarbor	Y	Zebrows	Y
Brennan	Y	DenDekk	Y	Hawley	Y	Lope PD	Y	Paulin	Y	Schimel	Y	Mr Spkr	Y
Brodsky	Y	Destito	Y	Hayes	Y	Lope VJ	ER	Peoples	ER	Schimmi	Y		
Brook-K	Y	Dinowit	Y	Heastie	Y	Lupardo	Y	Peralta	Y	Schroed	Y		
Burling	ER	Duprey	Y	Hevesi	ER	Magee	Y	Perry	ER	Scozzaf	Y		
Butler	Y	Eddingt	ER	Hikind	Y	Magnare	Y	Pheffer	Y	Seminer	ER		

S01554 Memo:

Contact Webmaster

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*Community
Action*



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BOARD OF ELECTIONS

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ADMINISTRATIVE MANAGER

STEVEN H. RICHMAN
GENERAL COUNSEL
Tel: (212) 487-5338
Fax: (212) 487-5342
E-Mail:
srichman@boe.nyc.ny.us

NOTICE OF HEARING

August 5, 2009

TO: Jose Eduardo Giraldo, 24-19 88th Street, East Elmhurst, NY 11360
Daniel R. Simonette, Esq., 22 St. Francis Place, Brooklyn, NY
11216, Counsel for the Candidate
Frank A. Bolz, Esq., 95-25 Queens Blvd., Rego Park, NY 11374,
Counsel for the Objector

In accordance with the determination made at the hearings held on Tuesday, August 4, 2009 and pursuant to the provisions of Part J of the 2009 Designating Petition Rules, **NOTICE** is hereby given that

The Commissioners of Elections in the City of New York

have scheduled a Hearing to consider the July 16, 2009 application of Jose Eduardo Giraldo, candidate for the City Council for the 21st Council District in the September 15, 2009 Democratic Primary, to appear on the ballot in that election as "Eduardo Giraldo" for:

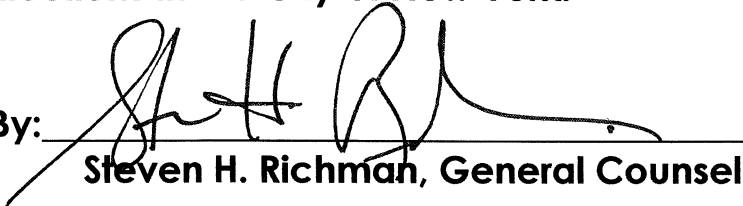
TUESDAY, AUGUST 11, 2009 at 1:30 PM

**Commissioners' Hearing Room,
42 Broadway, 6th Floor, New York, NY 10004.**

The Commissioners at their meeting held on August 4, 2009, in the presence of respective counsel for the candidate and objector directed that this hearing be convened and that Notice be sent to you and advise that you may appear at said Public Hearing either in person or by Counsel/Authorized Representative in accordance with the provisions of Rule J of the Board's Designating Petition Rules for the September 15, 2009 Primary Election.

At this Hearing the Commissioners will hear from the candidate and objector regarding the application of Mr. Giraldo (copy attached hereto) as to the form his name is to appear on the ballot. The Board directs that the candidate, objector and their representatives provide the Board with a written summary of the applicable statutory provisions, judicial determinations and their argument with respect to this issue. Please provide the Board with 15 copies of the foregoing by the close of business on Monday, August 10, 2009.

This Notice of Hearing is issued by direction of The Commissioners of Elections in the City of New York:

By: 
Steven H. Richman, General Counsel

Attachment

**Copy: Commissioners of Elections
Marcus Cederqvist, George Gonzalez, Pamela Perkins,
John Owens, Troy Johnson, Steven Denkberg, and Charles
Webb; Chief Clerk and Deputy Chief Clerk, Queens;
Temporary Legal Staff;**

JOSE EDUARDO GIRALDO
24-19 88th Street
East Elmhurst, NY 11369

NEW YORK CITY COUNCIL CADIDATE
DEMOCRATIC PRIMARY
September 15, 2009

July 16, 2009

Marcus Cederqvist
Executive Director
Board of Elections – City of New York
32 Broadway
New York, NY 10004-1609

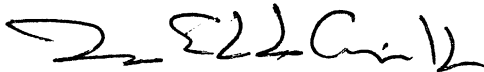
Dear Mr. Cederqvist:

I have submitted my designating petitions on July 13, 2009 for the New York City 21st Councilmanic District in Queens, Democratic Primary. My legal name is Jose Eduardo Giraldo but Eduardo my commonly used name and the name by which I am known. I am requesting that my name appear on the ballot as Eduardo Giraldo.

Please let me know if there is anything further I need to do to ensure that my commonly used name, Eduardo Giraldo, appears on the ballot in the Democratic Primary.

Thank you,

Sincerely,

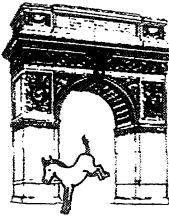


Jose Eduardo Giraldo
NYC Council Candidate, 21 Council District Queens

2009 JUL 16 P 9:13

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IN THE CITY OF NEW YORK





Village Independent Democrats

26 Perry Street
New York, NY 10014

Phone: (212) 741-2994
www.villagedemocrats.org

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William Stricklin

District Leaders
Hon. Keen Berger
Hon. Brad Hoylman

State Committee
Hon. Rachel Lavine
Hon. Arthur Schwartz

Vice Presidents
Jonathan L. Geballe
Lorna Gottesman
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Sandro Sherrod
Yvonne Sherwell
Connie Ress
Yayoi Tsuchitani
Valerie Van Isler
Katharine B. Wolpe (ex officio)
Sharon Woolums

July 27, 2009

Marcus Cederqvist
Executive Director
Board of Elections in the City of New York
32 Broadway
New York, NY 10004-1609

F.Y.I.

Dear Mr. Cederqvist:

On July 23rd, The Village Independent Democrats approved the following Resolution. We would appreciate it if you would please distribute this to the New York City Board of Elections' Commissioners.

The Village Independent Democrats recognizes that lever voting machines have served our voters well for many years, and are capable of serving us well for many more decades.

They are inexpensive to maintain and use, and parts are easily available to maintain them.

We believe that our lever voting machines, supplemented by accessible ballot marking devices that all New York counties have purchased and fielded, meet all federal requirements.

We urge our elected officials at the city, state and federal level to take all possible actions to enable New York State to keep our lever voting machines."

We thank you for your serious attention to VID's request and we strongly urge the Board of Elections in the City of New York to continue to use lever voting machines. We are most concerned that our voting machines truly reflect the needs and wishes of New York State's citizenry.

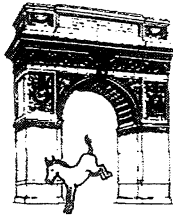
Sincerely,

William Stricklin
President

cc: President Obama
Governor Paterson
New York State Bd. Of Elections
Senators Schumer, Gellibrand
Reps. Nadler, Maloney, Velazquez
State Sen. Duane
State Assembly Member Glick
City Council Quinn, Mendez, Gerson

2009 AUG -5 PM 6:16

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G.O. BOARD OF ELECTIONS
IN THE CITY OF NEW YORK



Village Independent Democrats

26 Perry Street
New York, NY 10014

Phone: (212) 741-2994
www.villagedemocrats.org

July 27, 2009

Senator Charles E. Schumer
757 Third Avenue, Room 1702
New York, NY 10017

Dear Senator Schumer:

On July 23rd, the Village Independent Democrats approved the following resolution.

The Village Independent Democrats recognizes that lever voting machines have served our voters well for many years, and are capable of serving us well for many more decades.

They are inexpensive to maintain and use, and parts are easily available to maintain them.

We believe that our lever voting machines, supplemented by accessible ballot marking devices that all New York counties have purchased and fielded, meet all federal requirements.

We urge our elected officials at the city, state and federal level to take all possible actions to enable New York State to keep our lever voting machines.

We thank you for your serious attention to VID's request. The Help America Vote Act (HAVA) allows lever machines if used along with accessible voting devices for voters with disabilities (New York now meets all federal requirements for accessible voting equipment, in each poll site, for use by voters with disabilities). However, vendor lobbyists have managed to confuse everyone. VID now urges you to effect passage of a brief amendment to HAVA to clarify that New York can keep its lever voting machines.

Thank you, Senator Schumer.

Sincerely,

William Stricklin
President

cc: President Obama
Senator Gillibrand
Reps. Nadler, Maloney, Velazquez
Governor Paterson

Senator Duane
Assembly Member Glick
City Councilors Quinn, Mendez,
Gerson
NYS & NYC Boards of Election

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Sharon Woolums

New pols bump into old walls

With less than 40 days to go before the all-important primary elections, the good news is that many talented reformers and community organizers are waging spirited campaigns for City Council and other local offices.

The bad news is that several have fallen into the political and bureaucratic maze of New York election law, which is needlessly complicated and riddled with conflicts of interest.

At the heart of the matter are the nominating petitions that remain the main tool used by incumbents and party bosses to weed out insurgent candidates.

One victim, Darma Diaz, is a 41-year-old community activist running for City Council in Brooklyn's 37th District, which includes parts of Cypress Hills, Bushwick, East New York and Ocean Hill-Brownsville. The district is currently represented by Erik Dilan.

After working for Rep. Ed Towns for 10 years, Diaz was bitten by the political bug and decided to run for office herself.

She rounded up 48 supporters who collected 2,571 signatures of people agreeing to give her a shot at running. Under election law, at least 900 of the signatures had to come from Democrats living in the district.

But a challenge by Dilan led to 39 of Diaz's 48 petition carriers being invalidated — along with all of the names they collected.

The 2,571 signatures shrank to 666. "That was a sign I was dealing with the Devil," says Diaz.

She decided to petition Brooklyn Supreme Court in the hopes that a judge would rule in her favor and place her on the ballot. That proved easier said than done.

Under election law, copies of Diaz's court petition must be served on her opponent — but Dilan, she says, went into hiding to avoid being served.

"I hired a lawyer and four process servers. They were unable to find him," she says.

Diaz goes to court tomorrow in search of justice and a chance to run for office. Her ordeal is typical of the gauntlet that frustrates insurgents year after year.

In Manhattan, attorney Anna Lewis, who is running for a West Side civil court position, has run afoul of New York's hyper-politicized Board of Elections.

Lewis is seeking the court slot even though most of the West Side Democratic establishment — including City Council Speaker Christine Quinn, Assemblyman Dick Gottfried and state Sen. Tom Duane — is backing a lawyer named Lynn Kotler.

Lewis collected and filed 3,656 signatures on nominating petitions, but staff members at the Board of Elections claimed that 2,443 names were invalid for various reasons, including not being legible, not being registered as a Democrat or not residing within the district.

That left her with 1,213 valid signatures, fewer than the 1,500 required for the judicial post.

What made the process maddening, says Lewis, is that Tim Gay — the deputy chief clerk at the board and the man in charge of supervising petition counts in Manhattan races — is an open supporter of Kotler.

Gay, in fact, circulated nominating petitions for Kotler and other candidates for office — petitions

he would be in charge of analyzing and counting.

Steve Richman, the general counsel for the Board of Elections, says the law allows Gay and other senior agency officials to engage in politics — and that board employees can only make recommendations, which the full board must approve.

"Tim can't take anybody off the ballot," says Richman.

He doesn't have to — he has

more than enough friends, coworkers and allies within New York's election system to do it for him.

In other states, candidates for office pay a nominal fee and file a simple form in order to run for office. But New York's convoluted system remains hopelessly rigged against outsiders, and in desperate need of a top-to-bottom housecleaning.

elouis@nydailynews.com



Erol Louis

Cewit 191

DAILY NEWS

Sunday, August 9, 2009

F47

Dave's vacation blunder

BY KENNETH LOVETT
DAILY NEWS ALBANY BUREAU CHIEF
ALBANY — Even on vacation, Gov. Paterson can't avoid political embarrassment.

Paterson, who has spent the last few days in the Hamptons, yesterday amazingly canceled a special election for a Queens Assembly seat just hours after announcing it.

"The guy just can't get out of his own way," one prominent Democrat said.

The special election to fill the seat vacated in late June by disgraced former Assemblyman Anthony Seminerio, who pleaded guilty to a federal felony corrup-

tion charge, was scheduled for Sept. 15.

"This special election will ensure that the residents in part of Queens County will have the representation they need in the New York State Legislature," Paterson said in a statement.

Less than four hours later, Paterson press secretary Marissa Shorenstein issued a highly unusual press release saying the previous release had been recalled.

"No final decision has been made at this time with respect to

a special election in the 38th District," she said.

Shorenstein said there will probably be a primary election instead.

Party leaders pick the candidates in a special election; voters elect them in a primary.

Paterson's counsel, Peter Kieran, signed the proclamation setting the special election date for the governor in error, Shorenstein said.

The governor's counsel is authorized to sign the governor's signature using an automark

pen. Paterson's secretary to the governor, Larry Schwartz, also signed the proclamation.

Shorenstein insisted the governor did not approve the measure and asked that it be rescinded once he learned of it.

"This was an announcement that should not have been made," she said.

Paterson's office several weeks ago alerted the city Board of Elections that he planned to call a special election for Seminerio's former seat.

Since then, a number of

would-be candidates and good government groups urged the governor to let voters pick the candidates in a primary.

Al Baldeo, who filed petitions to get onto the Democratic primary ballot, said he thinks Paterson rightfully buckled.

"I imagine there's a lot of mounting pressure on the governor," Baldeo said.

It was the second embarrassment for Paterson in two days.

Yesterday, it was revealed he recently hired a longtime friend he was recently photographed partying with at a city club to a state job — despite a hiring freeze he had imposed.

klovett@nydailynews.com

County
FYI

Gov's election correction

ALBANY — Whoops! Gov. Paterson's office yesterday announced a special election for a vacant Assembly seat in Queens, then sent out a press release hours later canceling the announcement.

The first announcement was distributed just after noon. It said Paterson had set Sept. 15 as the date of a special contest to fill the seat of disgraced former Democratic Assemblyman Anthony Seminerio, who

is awaiting sentencing after pleading guilty to federal corruption charges.

But nearly four hours later, Paterson spokeswoman Marissa Shorestein issued a statement saying the "press release has been recalled. No final decision has been made at this time with respect to a special election."

No explanation for the gaffe was provided, either.

Fredric U. Dicker

New York Post, Saturday, August 8, 2009

Community
R47

Myrick fails to get on the ballot

Challenge leaves Markowitz rival with far too few signatures

BY THOMAS TRACY

Eugene Myrick, the political Little Engine That Could, couldn't hold back the rampaging locomotive known as the Marty Markowitz for Borough President campaign Monday as he was booted off the ballot for lack of legitimate signatures.

During a Board of Elections hearing, an audit of the 9,928 petition signatures Myrick submitted showed that only 2,637 of the signatures were valid. The remainder were declared invalid after they were found to be from non-Brooklyn residents or non-registered Democrats.

Myrick needed 4,000 valid signatures to get on the ballot.

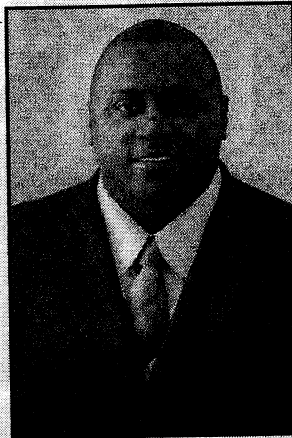
The borough president filed over 78,000 signatures of registered Democrats, dropping what was tantamount to an atom bomb when it comes to petitions.

Former Brooklyn Heights State Senator Martin Connor, an election lawyer by trade, helped lower the boom on Myrick's campaign by representing Markowitz supporters challenging his petitions. Challengers included Deborah S. Kresh-Garcia, the director of the Borough President's Seaside Summer Concert Series.

Connor said that not only did Myrick file thousands of invalid signatures, but the petition volumes were bulked up with blank pages.

"Out of the 4,477 sheets in the 20 volumes that Mr. Myrick filed, only 1,201 of them had signatures," he said.

"[The volumes] were filled with blank sheets and



Borough President hopeful Eugene Myrick was knocked off the ballot Monday.

I ask this board to reject this kind of filing in the future," he said.

Myrick was given the opportunity to challenge the findings of the Board of Elections audit, but the East New York resident said that he was unprepared to do so.

The flawed signatures and the black sheets were the product of some "assistance" Myrick received while he collected signatures, he said.

Mayoral Democratic candidate Jimmy McMillan agreed to put Myrick's name on his petitions. When the signatures McMillan collected were deemed invalid, Myrick's numbers took a huge hit.

"When I announced I was running, tons of people offered their assistance," Myrick told the board. "What was I to do? Turn them down?"

Myrick also found it unfair that he had to defend himself against Connor.

"I'm a first-time candidate...I don't know all the rules," he said. "And here I am going up against the guy who wrote the rules," he said, adding that he had one night to serve

legal papers orders to five people in the Markowitz campaign to defend his case.

One of them was Markowitz himself, who, despite his high profile, couldn't be located in time, Myrick alleged.

"I don't know where he was," Myrick said. "[Markowitz] is usually out eating cheesecake somewhere, but when I went to serve him this order to show cause, he was nowhere to be found."

Myrick said that he is still researching options to get back on the ballot.

"Even if I get on the ballot on September 14, I'm going to get on," he said.

With Myrick currently off the ballot, Markowitz has no challenger for the September 15 primary. He will then face Republican challenger Marc D'Ottavio in November.

COURIER LIFE, AUGUST 6, 2009

Glitches cost two hopefuls ballot line

TWO HIGH-PROFILE City Council candidates were bounced from the ballot on technicalities yesterday.

Guillermo Linares, who resigned as Mayor Bloomberg's immigrant affairs commissioner to run, was disqualified by the Board of Elections because of problems with the committee that put him on the ballot.

Linares said he would not appeal. He was hoping to retake the Washington Heights seat he once held, after former Councilman Miguel Martínez resigned last month and pleaded guilty to corruption charges.

Councilman Alan Ger-son from lower Manhattan was also bounced due to a printer's error on some of his petitions. He plans to fight the decision in court this morning.

Elizabeth Benjamin

Com notes

P.Y.I.

F.Y.I.

FULL DISCLOSURE

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July 2009, No. 11

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FULL DISCLOSURE
July 2009, No. 11

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With Election Nearing, Public Funds Payments Are on the Way

One of the key components to New York City's campaign finance system is the public matching funds program. By matching small contributions raised by candidates from New Yorkers, the CFB enhances the role of these individuals in the political process. While these funds are disbursed to candidates in the weeks leading up to the primary, the process begins months in advance to ensure that the public's money is paid on only valid claims and that funds are received by candidates in a timely manner.

The Campaign Finance Program matches small private contributions from New York City residents, at a rate of \$6 to \$1 for the first \$175 per contributor, providing an incentive for candidates to reach out to average New Yorkers, who may only be able to afford smaller contributions. But candidates who opt into the public financing program and successfully make it on the ballot still must qualify to receive public matching funds. To be eligible, candidates who participate in the Program must achieve a two-part threshold that demonstrates they have achieved at least a baseline level of support within their community.

To meet the threshold, candidates must both raise a minimum amount of money and collect a minimum number of small individual contributions. Only the first \$175 of contributions from New York City residents (i.e. "matching claims") are counted towards meeting the fundraising threshold, and individuals must give at least \$10 to be counted towards the contributor minimum. The thresholds vary depending on the office being sought (see chart, next page). For instance, a City Council candidate must raise a minimum of \$5,000 and receive contributions from at least 75 residents of his or her district.

As campaigns begin to raise money, the CFB reviews disclosure statements and documentation submitted by campaigns. Following each review, campaigns receive a report that indicates their progress toward meeting the threshold and provides an opportunity to fix problems.

In addition to meeting the financial thresholds, a candidate's name must be on the ballot (and have an opponent on the ballot) before he or she can be

eligible to receive public funds. As a result, the first payment of public funds is made once the Board of Election completes hearings on ballot petition challenges and the ballot is set. Afterwards, candidates file disclosures of their fundraising during the 30 days before each election, CFB staff performs an expedited review of the disclosure statements. The review looks closely at all contributions claimed for matching funds, and confirms whether campaigns have complied with the law and CFB rules.

After receiving the recommendation of the staff, the Board makes payments four business days after the statements are received for all eligible candidates. (By law, there is one additional payment not associated with a particular disclosure deadline scheduled before the primary and general election.) For candidates to receive public matching funds in this timely fashion, campaigns' disclosure statements and supporting documents all must be filed with the CFB by the close of business on the day the statement is due.

Four payments of public funds are made for eligible candidates in the primary election, and another four payments dates are scheduled before the general election.

If the Board determines that a candidate is not eligible for public funds, the campaign will receive a written notice from the Board specifying the basis for non-payment. Campaigns may petition the Board for reconsideration.

There is a cap on the amount of public matching funds any candidate may receive, which varies by office. The public funds cap is fixed by law at 55 percent of the spending limit, ensuring that candidates who take full advantage of the Program have the resources to run competitive campaigns. The law also provides that a candidate in the Program who is running against a high-spending, non-participating candidate may receive public funds at a greater matching rate, with a higher cap on public funds (or the cap may be lifted completely). For more information about the bonus situation, visit the [CFB website](#).

(continued on page 2 and page 3)

With Election Nearing, Public Funds Payments Are on the Way *(from page 1)*

The goal of the CFB and the idea behind matching small contributions with public funds is simple. With the \$6-to-\$1 matching rate, candidates are rewarded for collecting small contributions. The taxpayers' investment in the political process gives candidates the ability to run competitive races, it gives voters more options to choose from in the voting booth, and gives New Yorkers a stronger voice in their elections.

2009 THRESHOLD REQUIREMENTS

Office	Part 1: Dollar Amount	Part 2: Number of Contributors
Mayor	\$ 250,000	1,000 New York City residents
Public Advocate	\$ 125,000	500 New York City residents
Comptroller	\$ 125,000	500 New York City residents
Borough President*		
Bronx	\$ 26,653	100 Bronx residents
Brooklyn	\$ 49,307	100 Brooklyn residents
Manhattan	\$ 30,744	100 Manhattan residents
Queens	\$ 44,588	100 Queens residents
Staten Island	\$ 10,000	100 Staten Island residents
City Council	\$ 5,000	75 district residents

* The dollar amount threshold for borough president candidates is based upon the population of the borough.

REMAINING DISCLOSURE FILING DEADLINES

Filing Deadlines	Disclosure Periods
August 14, 2009	July 12, 2009 – August 10, 2009 [†]
September 4, 2009	August 11, 2009 – August 31, 2009 [†]
DAILY*	September 1, 2009 – September 15, 2009 [†]
September 25, 2009	September 1, 2009 – September 21, 2009 [†]
October 2, 2009	September 22, 2009 – September 28, 2009 [†]
October 23, 2009	September 29, 2009 – October 19, 2009 [†]
DAILY*	October 20, 2009 – November 3, 2009 [†]
November 30, 2009	October 20, 2009 – November 26, 2009 [†]
January 15, 2010	November 27, 2009 – January 11, 2010

* In the two weeks immediately before the primary and general elections, candidates must disclose contributions and loans over \$1,000 and expenditures over \$20,000 within 24 hours.

† Candidates who are not in a primary election need not submit these disclosure statements. However, in order to be eligible for the first general election payment, candidates must file this.

‡ Candidates who are not in the general election need not submit these disclosure statements.

Checking in With Alison Levy



Alison Levy

Good-government issues have been an interest of Alison Levy's since her days as an intern for Common Cause/NY, lobbying for campaign finance reforms at the state level. Since October of 2007, Alison has helped translate campaign finance reform into practice at the New York City Campaign Finance Board.

The CFB closely examines every claim for matching funds submitted by campaigns.

As Public Funds Administrator, Alison plays an integral role along with her colleagues on the CFB's Audit staff in ensuring these reviews are performed accurately and consistently. As the agency prepares for the first of several public funds payments next month, Alison will help calculate the payment totals, work with staff throughout the agency to formulate the payment recommendations, and present those recommendations to the Board for approval.

To prepare for disbursements in the primary and general election, Alison is working with CFB Systems staff to streamline some of the CFB's payment procedures, including a new automated system for sending campaigns notifications of payments and nonpayment determinations.

Just prior to her time with the CFB, Alison attended grad school at Columbia for psychology, and worked in financial services. Having spent the last four years living on Manhattan's Upper West Side, Alison is an avid film buff who enjoys attending shows at the Film Forum and other repertory venues. Recently, she began working on her nascent shuffleboard skills.

As the citywide elections heat up, Alison considers it a thrill to play such a vital role in the City's political process. Although the job is demanding, Alison finds that it offers continual opportunities to challenge herself and learn while doing incredible work. Alison says her co-workers provide an added bonus. She finds herself working with "an amazingly intelligent, committed group of people who also happen to be a lot of fun — just the sort of colleagues everyone hopes to work with."

With Election Nearing, Public Funds Payments Are on the Way *(from page 1)*

MAXIMUM PUBLIC FUNDS*

Mayor	Public Advocate	Comptroller	Borough President	City Council
\$3,386,900	\$ 2,117,500	\$ 2,117,500	\$ 762,300	\$ 88,550
\$ 4,105,333 [†]	\$2,566,667 [†]	\$2,566,667 [†]	\$ 924,000 [†]	\$ 107,333 [†]
\$ 7,697,500 [‡]	\$4,812,500 [‡]	\$4,812,500 [‡]	\$1,732,500 [‡]	\$201,250 [‡]

The Program matches each dollar a NYC resident gives, up to \$175, with six dollars in public funds, for a maximum of \$1,050 in public funds per contributor.

* Per election. Candidates who qualify may receive up to the maximum for each of the primary and general elections.

† Maximum public funds under Tier 1 bonus rate for candidates facing a well-financed non-participant.

‡ Maximum public funds under Tier 2 bonus rate for candidates facing a well-financed non-participant.

RECENT BOARD ACTIONS

- The Board issued an advisory opinion which determined that a run-off in the Democratic Party primary for public advocate is "reasonably anticipated," in response to a request made by the campaign of Eric Gioia.
- The Board welcomed new members Art Chang and Richard J. Davis.
- The Board assessed \$12,500 in penalties against the 2005 mayoral campaign of Fernando Ferrer, representing the Board's final enforcement action related to the 2005 election cycle. The penalties were withheld from a post-election payment of public funds to Mr. Ferrer, which totaled \$463,724.
- In response to a petition filed by Guillermo Linares based on the July 14 resignation of City Councilmember Miguel Martinez, the Board declared an extraordinary circumstance in the Council election for District 10 and accepted a candidate certification form submitted by Mr. Linares, allowing him to participate in the Campaign Finance Program. he regular deadline to join the Program was June 10.
- The Board also adopted amendments to its rules providing a standard for determining when a document is considered to be issued or provided by the Board, and conforming Board rules to amendments to New York State's Freedom of Information Law and to the rules of the Office of Administrative Trials and Hearings governing formal candidate hearings under the City Administrative Procedure Act.

“TIP OF THE MONTH”
from CFB Candidate Services

Qualified Expenditures

Public matching funds help candidates run competitive campaigns. However, the CFB is careful to ensure that public funds are used as intended. To avoid repayments of public funds, campaigns must document *qualified expenditures* equal to the amount of public funds they receive. Understanding qualified expenditures—and how to document them—will help your campaign avoid having to return public funds.

For an expenditure to be considered qualified, it must be an expenditure which furthers the candidate’s chances of getting elected.

Examples of qualified expenditures include:

- Rent for a campaign office
- Television and radio advertisements
- Print advertisements
- Design and maintenance of a campaign website
- Campaign literature
- Fundraising costs
- Mailings
- Staff salaries
- Payment to consultants to assist with fundraising and/or compliance
- Reimbursement of an advance for a single purchase in excess of \$250

Some spending is specifically *not* qualified, and cannot be used to account for the expenditure of public funds, including:

- Expenditures made before January 1, 2009 OR after December 31, 2009
- Expenditures not fully reported
- Expenses paid with cash
- Payments to a family member of the candidate
- Contributions to other campaign committees
- Gifts
- Litigation related to ballot petitions

For spending to be qualified, your campaign must make the payment with a committee check, committee credit or debit card, and keep records for each expenditure. This includes cancelled checks and bank or credit card statements and all detailed receipts, invoices, contracts, lease agreements and any other documents that describe or verify the purpose for the expenditure. You also may be asked to produce the work of consultants. Without these documents, the spending will not be qualified.

If your campaign cannot document qualified expenditures equal to the amount of public funds it received, your campaign must return the difference to the public fund. An example: Smith for Council 2009 received \$40,000 in public funds for the 2009 election. During the post-election audit review, the Smith campaign produced documents that support only \$30,000 of qualified expenditures. Therefore, at the conclusion of the audit, the campaign must repay the difference of \$10,000.

Therefore, please be sure your campaign makes its expenditures using only committee checks, committee debit cards or committee credit cards—this is the clearest way to ensure your spending is documented and the only way it can be qualified. Always collect and keep all the appropriate records. For further explanation of qualified expenditures, refer to the 2009 Campaign Finance Handbook, pp. 73–74.

Note: There are reasons a campaign may be required to repay public funds other than failing to document qualified expenditures. For more information, see the 2009 Campaign Finance Handbook, pp. 74–75.

Comments
P. 12

4

COURIER LIFE, JULY 30, 2009

De Blasio back on the ballot

Councilmember still in public advocate race after typo snafu

BY STEPHEN WITT

City Councilmember and public advocate candidate Bill de Blasio, who had been removed from the ballot in the Democratic primary because of a one-digit typographical error accompanying his 125,000-plus petition signatures, was reinstated upon review of the issue by the city's Board of Elections.

"I sincerely thank the Board of Elections for voting today to reinstate me on the ballot for public advocate. While the struggle is over for my campaign, the larger battle of ensuring Democratic choice in our city's election system still remains," said de Blasio.

"In the coming days and as public advocate, I will propose and fight for comprehensive reforms to New York City election laws. Elections in our city should be about choice, debate, and democracy, and I am happy to say that the voices of over 100,000 New Yorkers will now be heard," he added.

The squabble between the Board of Elections and de Blasio's campaign began after the bipartisan BOE staff committee, which reviews all petitions, noticed that de Blasio's cover sheets claimed three extra volumes of signatures.

According to election law, de Blasio's campaign

was notified and they had three days to rectify the errors, said BOE spokesperson Valerie Vazquez.

Vazquez said that when the cover sheet was re-submitted, the board found it indicated 131 pages of signatures when there were actually 132.

Vazquez said following the second mishap, the board met and decided to remove de Blasio from the ballot.

Following the mishap, de Blasio's lawyers, Stanley Schlein and Henry Berger, successfully argued that the clerical error was actually made by BOE counsel Steven Richman.

"It was our own pro-

cess that negatively impacted the candidate," BOE President Frederic Umane told reporters.

The board then voted 8-0 with one abstention to reinstate de Blasio.

De Blasio's primary opponents -- including Mark Green, who held the job from 1994 to 2001, and civil liberties lawyer Norman Siegel, both said they supported de Blasio's effort to get back on the ballot.

Another candidate, Queens Councilman Eric Gioia, went to some of de Blasio's supporters seeking their support if de Blasio was kicked off the ballot.

B
K
G

The New York Times

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A story
about two
strangers.



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July 29, 2009

Councilman Is Reinstated on the Ballot for Advocate

By [DAVID W. CHEN](#)

Oops, wrong number.

Less than a week after removing City Councilman [Bill de Blasio](#) from the Democratic ballot for public advocate because of faulty paperwork, the New York City Board of Elections admitted on Tuesday that it had erred, and reinstated him.

Mr. de Blasio, of Brooklyn, had collected 125,000 signatures to qualify for the September primary — well over the 7,500 required. But a cover page submitted to the [Board of Elections](#) with his packet of signatures stated that there were 131 folders, when the board claimed that there were 132.

So out went Mr. de Blasio. And up rose a chorus of protests, not just from Mr. de Blasio, who vowed to sue, but also from three of his four opponents. (The exception, initially, was Councilman [Eric N. Gioia](#), whose first instinct was to woo Mr. de Blasio's supporters, according to a recent article in *The Daily News*.)

But on Tuesday, Mr. de Blasio's lawyers, [Stanley K. Schlein](#) and Henry T. Berger, successfully argued that Mr. de Blasio's original math was correct, and that the board's staff and its general counsel, Steven H. Richman, had made a mistake. The board voted 8 to 0, with one abstention and one member absent, to reinstate Mr. de Blasio.

"It was our own process that negatively impacted the candidate," said [Frederic M. Umane](#), the board's president.

The Byzantine rules and technical requirements of the city's election laws have long been fodder for ridicule. And those who attended the board's 45-minute meeting on Tuesday got a taste of the kind of minutiae — like references to the Cover Sheet Review Committee and Folders 00071, 00072 and 00073 — that seemed borrowed from the film "Brazil," which satirized bureaucratic morass.

"I appreciate that the board did the right thing today and fixed their own error," Mr. de Blasio said at a news conference at City Hall after the decision. "But that doesn't change my fundamental belief that our election laws and the practices of our electoral system are still too often focused on keeping people off the ballot, rather than helping people stay on."

Mr. de Blasio faces three Democratic opponents: [Mark Green](#), who held the job from 1994 to 2001; [Norman Siegel](#), a civil liberties lawyer; and Councilman Gioia of Queens. A Republican, Alex T. Zablocki, an aide to State Senator Andrew J. Lanza, is also running for public advocate. The incumbent, [Betsy Gotbaum](#), is not seeking a third term.

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A gushing fountain of summer fun



ers at Ciccarone Park, at Arthur Ave. and 188th St., trying to beat the heat. Photo by Enid Alvarez/Daily News

Special election decried

Assemblyman will lobby gov

BY JOHN LAUNGER
DAILY NEWS STAFF WRITER

A VETERAN Latino state lawmaker courted allies yesterday in a bid to pressure Gov. Paterson to drop a plan to call for a special election to replace disgraced ex-Assemblyman Anthony Seminerio.

Assemblyman Peter Rivera (D-Bronx) circulated a letter to downstate Assembly members demanding that Seminerio's replacement in the 38th Assembly District be selected in the November general election.

"We have a few days to get a message to the governor," said Rivera's legislative director, Guillermo Martinez, who noted Paterson had yet to technically call for a special election.

Following Seminerio's resignation and subsequent guilty plea to influence-peddling charges last month, five candidates filed petitions to get on the general election ballot in the district, which covers an ethnically diverse swath of southern Queens.

However, Daily News political columnist Elizabeth Benjamin reported last week that Paterson had previously notified the city Board of Elections that he intends to call for a special election.

Paterson's office did not return a call seeking comment yesterday.

Benjamin's report cited a letter that Steve Richman, general counsel for the state Board of Elections, sent to city elections commissioners. Richman urged them to be ready to hold a special election on Sept. 15 — the same day primaries will be held for city elections.

Under state law, Paterson must issue a proclamation between Aug. 11 and 16 for a special election to be held on Primary Day.

The Queens Democratic Party wants a partisan special election because it would allow the party to choose its favored candidate. The other option — a primary — would likely lead to a messy, four-way battle.

A special election would rely heavily on the influence of four Democratic district leaders in Seminerio's district — including the disgraced Seminerio himself.

Martinez said the letter will likely be signed by at least six Assembly members and could be sent to Paterson as early as today.

Bed-Stuy Farm caught in weeds

to move it, but the other places they wanted to move it to, it wasn't the same."

The Jacksons began farming around the mission on Bainbridge St. in 2004, after seeing that much of the emergency food doled out to poor families was filling, but not healthy — canned and packed with sugar and salt.

Two years later, the couple adopted the lot on Decatur St., which had become a weed-clogged garbage dump and neighborhood eyesore. They turned it into a garden that produces 7,000 pounds of food a year, including zucchini, collard greens, tomatoes and broccoli.

A nonprofit housing developer,

Neighborhood Partnership HD-FC, had earlier bought the land from the city to renovate an old house into affordable units, but structural problems forced the developer to raze the building. The lot sat empty until the Jacksons started the farm.

Neighborhood Partnership now wants to sell the land, city officials said.

"The intent was always to do affordable housing on this site," said Housing Preservation and Development Department official Margaret Sheffer. "The garden had essentially come in as a squatter."

HPD has been working to broker a deal for the mission to buy

the property, she said, but the Jacksons said they can't afford to purchase it.

Alternative sites offered by the city have either been too small or too shady, they said.

HPD spokeswoman Catie Marshall said Neighborhood Partnership needs to recoup around \$275,000 in costs.

"Ideally, we would like to see the Brooklyn Rescue Mission garden remain," she said, adding that HPD was unable to find donors to buy the property for the mission, but is still trying to find a way to transfer the land to them.

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