

FREDERIC M. UMANE  
PRESIDENT

JULIE DENT  
SECRETARY

JOSE MIGUEL ARAUJO  
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NAOMI C. SILIE  
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GREGORY C. SOUMAS  
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](http://www.vote.nyc.ny.us)

### AGENDA COMMISSIONERS MEETING TUESDAY, JULY 28, 2009 AT 1:30 P.M.

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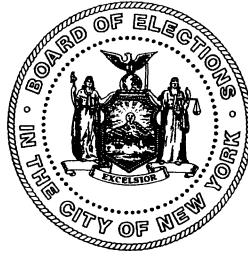
1. Minutes
  - a) 06/09/09 – Meeting of the Finance Committee
  - b) 06/16/09 – Meeting of the Finance Committee
  - c) 07/14/09
  - d) 07/21/09
2. Marcus Cederqvist
  - a) HAVA Update
3. Steven H. Richman
  - a) Order to Show Cause – DeBlasio v. Board of Elections
  - b) State Legislation – A00584
  - c) Request for Appointment of a Petition and Cover Sheet Review Committee for Designating Petition Matters – Week of July 28
4. Troy Johnson
  - a) Report on Number of Specifications Filed
5. Rosanna Rahmouni
  - a) Staten Island Exception Reports
6. John Ward
  - a) Comparative Expenditures
7. Executive Session
  - a) Personnel Matters

## **For Your Information**

- NYS Board of Elections Weekly Status Report for the Week of 7/17/09 – 7/23/09
- New Poll Site Voting System (PVS) Implementation Project
- Sequoia Voting Systems Assigns New York State Voting System Contract to its New York State Partner and Imagecast Equipment Developer, Dominion Voting Systems
- Letter to Todd Valentine and Stanley Zalen, Co-Executive Director – New York State Board of Elections
- Specifications of Objection # 39-1
- Mandatory Overtime – Completion of Specifications
- BOE Comments on S. 1366

## ***News Items of Interest***

- *New York Post*: Tiny snafu KOs de Blasio's candidacy
- *The Daily News*: One candidate's loss is another's opportunity
- *The New York Times*: For a Typo?
- *New York Law Journal*: Kings County Supreme Court – Rules for Special Election Part



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

July 27, 2009

TO: The Commissioners of Elections

FROM: Steven H. Richman, General Counsel 

RE: ORDER TO SHOW CAUSE—  
DeBLASIO v. BOARD OF ELECTIONS

Attached for your information, review and determination is a copy of the Order to Show Cause which was served on the Board on Friday, July 24, 2009 is a proceeding in New York State Supreme Court—New York County—'BILL DeBLASIO v. BOARD OF ELECTIONS IN THE CITY OF NEW YORK'. This OSC is returnable in the New York State Supreme Court, New York County on Monday, August 3, 2009 at 9:30 AM.

The OSC seeks to restore candidate DeBlasio to the September 15, 2009 Democratic Primary ballot for the office of New York City Public Advocate.

On July 16, 2009 at Cover Sheet was filed for the candidate. Upon review by the Board staff, it was presented to the Commissioners' Cover Sheet Review Committee on July 21, 2009. The Board staff identified a defect in that the Cover Sheet claimed 135 volumes, including NY volumes 09-00071, 00072 and 00073, which were not filed with the Board. It now appears that that these volumes which were filed with the hand written notations Vol. 71, Vol. 72 and Vol. 73, (and no borough designation) were

in accordance with the Board's Designating Petition Rule B-5, assigned a petition identification number by the Board (NY-09-00767, 768 and 769).

Mr. DeBlasio's original cover sheet claimed 135 volumes and Petition ID numbers NY 09-00071, 72, and 73. Since no such volumes were filed with the Board, the number of volumes claimed was incorrect as were the petition ID numbers. The Commissioners' committee concurred in the staff's findings and directed that a Notice of Non-Compliance be issued. Such a notice, dated July 21, 2009 was issued relating to the DeBlasio cover sheet and sent to the designated contact person, Henry Berger. Under the Election Law, at that time the candidate is off the ballot. To be restored to the ballot, the candidate must cure the defect by "filing an amended cover sheet" within three business days of the date of the Board's letter. (NOTE: The Notice states "an" amended cover sheet—reflecting the Board's interpretation that a candidate has "one bite of the apple" to cure the defect noticed.)

On July 24, 2009, Mr. Berger filed an amended cover sheet for DeBlasio deleting Petition ID # NY-09-00071, 72 and 73 from the cover sheet. In addition, he changed the total number of volumes filed from 135 to 131.

That amended cover sheet was reviewed by Board staff and they identified a defect in that the amended cover sheet listed 132 Petition ID Numbers but claimed only 131 volumes. Those materials were reviewed by two bi-partisan cover sheet review teams to insure the accuracy of the count. In addition, all the members of the legal team reviewed and independently counted the ID numbers listed. With that assurance, that defect was presented to the Commissioners' Committee who also recounted the number of ID numbers claimed on the cover sheet. After that detailed review, they determined that the Amended Cover Sheet did not cure the defect; therefore the candidate remained off the ballot.

Within minutes of the Commissioners' Committee determination, Mr. Berger called me on my cell phone and advised that the Board had to be wrong, he had counted the number of volumes and his amended cover sheet was correct. He also advised that he would be at the Board within a few minutes. Within a half-hour, Mr. Berger appeared at the Board and as a courtesy to him, I reviewed the defective amended cover sheet and he finally agreed that he had listed 132 Petition Identification Numbers and mistakenly listed 131 volumes as being filed. I advised him that in accordance with Rule D6, notification of the Board's action would be sent

‘upon the expiration of the three business days set forth in Rule D4,  
Monday, July 27, 2009.

- [Notes:     1 -   That notice was sent this morning, via fax to Mr. Berger at  
                  9:49 AM;  
                  2 -   The Commissioners’ Committee action was also reported  
                          by the media within minutes of the Committee’s actions. ]

On Friday, July 24, 2009, Mr. Berger filed was is designated as a “2<sup>nd</sup>  
Amended Cover Sheet” which purports to amended the defective amended  
cover sheet by claiming 132 volumes in the petition. That document will be  
presented to the Commissioners’ Review Committee that convenes today.

It has been the Board’s long standing interpretation of the applicable  
provisions of the Election Law and its Designating Petition Rules that the  
cure process offers a candidate one opportunity to timely and correct cure  
the defect that the Board discovered and provided notice of to the  
designated contact person or candidate.

In the past, the Board has not accepted any second attempt and directed  
the party concerned to seek relief under Article 16 of the New York State  
Election Law in the New York State Supreme Court.

Such a proceeding is commenced by the attached Order to Show Cause.  
The Board’s legal team and the New York City Law Department require and  
thus seek your guidance and direction on what should be the Board’s reply  
to this Order to Show Cause.

Please note that Assistant Corporation Counsel Stephen Kitzinger will be  
available via telephone if you wish to speak with him on the legal issues  
presented herein during your meeting on Tuesday, July 28, 2009.

Thank you for your attention to this matter.

If you have any questions, please contact me.

Copy:            Marcus Cederqvist, Executive Director  
                  George Gonzalez, Deputy Executive Director  
                  Pamela Perkins, Administrative Manager

Troy Johnson, Coordinator, Candidate Records Unit  
Steven Denkberg, Counsel to the Commissioners  
Charles Webb, Counsel to the Commissioners  
Joel Bermejo, Law Student Intern  
Giacomo Kmet, Law Student Intern  
Christopher Manos, Temporary Staff Attorney  
Diana Scopelliti, Temporary Staff Attorney

Stephen Kitzinger, Esq. Assistant Corporation Counsel

#### Attachments

- 1 - Order to Show Cause
- 2 - Cover Sheet filed July 16, 2009 @ 3:45 PM
- 3 - July 21, 2009 Notice of Non-Compliance
- 4 - Amended Cover Sheet filed July 23, 2009 @ 3:18 PM  
inscribed with Commissioners' Committee determination  
that it was not a valid cure;
- 5 - BOE Staff Work Sheet to determine that 132 Petition ID  
numbers were claimed on the Amended Cove Sheet;
- 6- 2<sup>nd</sup> Amended Cover Sheet filed on July 24, 2009 at 9:01 AM;
- 7- July 27, 2009 Notice to Henry Berger on behalf of Bill DeBlasio  
that the Board has determined that the candidate will not  
appear on the primary ballot.

EX PARTE MOTION

At an ~~IAS~~ Part of the Supreme Court of the State of New York, held in and for the County of New York at the Supreme Court Courthouse thereof, 60 Centre Street, New York, N.Y., on the 24<sup>th</sup> day of July, 2009

PRESENT:

Hon. MARTIN SHULMAN

Justice

-----X

In the Matter of the Application of

BILL DeBLASIO,

Petitioner,

-against-

BOARD OF ELECTIONS IN THE CITY OF NEW YORK,

Respondent,

for an order, pursuant to Sections 16-100, 16-102 and 16-116 of the Election Law, declaring valid the designating petition which designated the petitioner as a candidate for the Public Office of Public Advocate of the City of New York in the Democratic Primary Election to be held September 15, 2009.

-----X

RECEIVED  
G.O. BD. OF ELECTIONS  
IN THE CITY OF NEW YORK  
2009 JUL 24 P 3:13

ORDER TO  
SHOW CAUSE

Index No.

09 1105 09

Upon the annexed petition of BILL DeBLASIO verified the 24<sup>th</sup> day of July, 2009, and upon the original designating petition which designated the petitioner herein as a candidate for the Public Office of Public Advocate of the City of New York, in the Democratic Primary Election to be held September 15, 2009, and upon all the papers and proceedings heretofore had herein, it is hereby

ORDERED, that the respondent herein show cause before ~~this Court~~ <sup>the Justice Presiding</sup> at an IAS

Term, Part <sup>19</sup> thereof, to be held at the Supreme Court Courthouse, 60 Centre Street, Room <sup>252</sup>, in the Borough of Manhattan, City of New York on the <sup>3<sup>rd</sup></sup> day of ~~July~~ <sup>August</sup>, 2009, at 9:30 A.M. of that day or as soon thereafter as counsel can be heard, why an order should not be made and entered herein

1. Declaring valid, proper, sufficient and legally effective the designating petition heretofore filed in the office of the Board of Elections in the City of New York, designating the petitioner herein as a candidate for the Public Office of Public Advocate of the City of New York, in the Democratic Primary Election to be held September 15, 2009;

2. Directing, requiring and commanding the respondent Board of Elections in the City of New York to place and print the name of the petitioner as a candidate for the said office or position at the Democratic Primary Election to be held September 15, 2009; and

3. Enjoining and restraining the said Board of Elections in the City of New York from printing, issuing or distributing for use during the said Democratic Primary Election any official ballots upon which the name of the petitioner does not appear as a candidate for the said office or position;

And why petitioner should not have such other and further relief as to this Court may seem just and proper in the premises; and it is further

ORDERED, that the respondent Board of Elections in the City of New York be, and it hereby is, ordered and directed to produce upon the hearing of this order to show cause, the said petition designating the petitioner herein as a candidate for the said office or position together with the objections and specifications thereto, the permanent



personal registration poll cards of the voters of the said district, and the report of the Clerks of the said Board of Elections made on such objections and specifications and the reports of any actions taken by said Board and any supporting documents supporting said action concerning this designating petition for examination by this Court.

SUFFICIENT CAUSE APPEARING THEREFOR, leave is hereby granted to the petitioner to submit upon the return day of this order to show cause, and on the argument and hearing thereof, such additional affidavits, exhibits and other proof as may be necessary.

SUFFICIENT CAUSE APPEARING THEREFOR, it is further

ORDERED, that service of a copy of this order to show cause, together with a copy of the papers upon which it is granted, on the respondent Board of Elections in the City of New York be made by leaving a copy thereof at the office of the Chief Clerk of the said Board of Elections at No. 32 Broadway in the Borough of Manhattan, City of New York, on or before the 28<sup>th</sup> day of July, 2009; and that such service shall be deemed good and sufficient service thereof.

ENTER:

(S)  
\_\_\_\_\_  
Justice of the Supreme Court  
of the State of New York

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X

BILL DeBLASIO,

Petitioner,

-against-

BOARD OF ELECTIONS IN THE CITY OF  
NEW YORK,

Respondent,

PETITION

Index No.

for an order, pursuant to Sections 16-100,  
16-102 and 16-116 of the Election Law, declaring  
valid the designating petition which designated  
the petitioner as a candidate for the Public Office  
of Public Advocate of the City of New York, in  
the Democratic Primary Election to be held  
September 15, 2009.

-----X

TO: THE SUPREME COURT OF THE STATE OF NEW YORK:

The petitioner respectfully shows and alleges:

1. At all of the times hereinafter mentioned, petitioner BILL DeBLASIO was and still is a duly qualified voter of the State of New York, entitled to vote in the City of New York in the Democratic Primary Election to be held on September 15, 2009.

2. The respondent BOARD OF ELECTIONS IN THE CITY OF NEW YORK ("Board of Elections") is charged by law with the responsibility for administering the Election Law in New York City.

3. Between July 13 and July 16, 2009, the time prescribed by law, various groups and organizations supporting petitioner BILL DeBLASIO, filed volumes of a designating petition in the office of the Board of Elections designating petitioner BILL DeBLASIO as a candidate for the Public Office of Public Advocate of the City of New

York, in the Democratic Primary Election to be held September 15, 2009. These volumes contained in excess of 125,000 signatures of eligible voters of the City of New York, whereas only 7,500 signatures are required for qualification for the ballot for said public office

4. On or about the 16<sup>th</sup> day of July, 2009 a "Cover Sheet" (annexed hereto as Exhibit A) was filed for said petition pursuant to the rules of the Board of Elections.

5. Petitioner is duly qualified for the designation for such position.

6. The designating petition was and is in due and proper form as prescribed by law, and the petition is otherwise valid, proper, sufficient and legally effective.

7. After the filing of the said designating petitions as aforesaid the Board of Elections issued a letter dated July 21, 2009 (the "Letter") (annexed hereto as Exhibit B) to petitioner stating that the cover sheet "fails to comply" with the Rules of the Board of Elections because, in pertinent part, the "Number of volumes claimed doesn't agree with claimed identification numbers on cover sheet. In fact, the number of volumes claimed on the cover sheet did agree with the claimed identification numbers on the cover sheet.

8. The Letter further provided that "This defect may be cured within three business days of the date of this letter by the filing of an amended cover sheet."

9. Based on the contents of the Letter, the attorney retained by petitioner's campaign carefully reviewed the cover sheet and recounted the number of volumes identified on the cover sheet. In conducting this recount one of the 132 volumes claimed on the cover sheet was missed and it was determined that there were 131 volumes in the petition.

10. On or about July 23, 2009, an Amended Cover Sheet (annexed hereto as Exhibit C) listing 132 identified volumes and claiming 131 volumes in the petition was

filed with the Board of Elections.

11. On information and belief, thereafter, on July 23, 2009, a committee of the Board of Elections determined that the Amended Cover Sheet failed to comply with the rules of the Board of Elections and that was a fatal defect invalidating the designating petition containing more than 125,000 signatures and that petitioner BILL DeBLASIO was disqualified as a candidate for the Public Office of Public Advocate of the City of New York.

12. On July 24, 2009, within the time prescribed by the rules for filing an amendment to a cover sheet, a "2<sup>nd</sup> Amended Cover Sheet" (annexed hereto as Exhibit D) was filed with the respondent Board of Elections claiming 132 volumes. On information and belief, that 2<sup>nd</sup> amended cover sheet has not been considered by the Board.

13. Petitioner believes that it is possible that the Board of Elections have made and may make erroneous determinations of the several questions of law and fact raised by the cover sheet and its amendments, which determinations would, according to law and the principles of equity, be reviewed and determined by this Court and petitioner has been and will be aggrieved by such determination.

14. The reason this proceeding is being instituted prior to a final determination by the respondent Board of Elections is that the Election Law, under which this proceeding is brought, requires that such a proceeding be commenced on or before July 30, 2009.

15. Petitioner requests leave and reserves the right to submit upon the argument and hearing of this application, evidence by way of affidavits, testimony and documentary proof to substantiate and support this application.

16. Petitioner has no adequate remedy or relief in the premises other than that

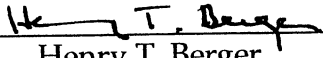
applied for.

17. No previous application has been made to this Court or any other Court for the relief sought herein or for the order to show cause hereunto annexed, or for any similar relief.

WHEREFORE your petitioner respectfully prays for the annexed order to show cause and for a final order granting the relief prayed for in the said order to show cause, and for such other and further relief as to this Court may seem just and proper in the premises.

Dated: New York, N.Y.  
July 24, 2009

Respectfully submitted:


  
Henry T. Berger  
Attorney for Petitioner  
127 West 77<sup>th</sup> Street  
New York, New York 10024  
(212) 799-9378

VERIFICATION

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF NEW YORK        )

HENRY T. BERGER, being duly sworn, deposes and says: that he is the attorney for Petitioner in the within proceeding; that he has read the foregoing Petition and believes the contents thereof to be true; that the same is true to his own knowledge, except as to matters therein stated to be alleged on information and belief, and that as to those matters, he believes it to be true; that his knowledge is based upon discussions with the Petitioners and review of the documents and files pertaining to this matter; that the reason he is verifying this Petition is because Petitioner is not in the county in which he has his office.

Dated: New York, New York  
      July 24, 2009

  
\_\_\_\_\_  
HENRY T. BERGER

COVER SHEET  
**DEMOCRATIC PARTY**  
 DESIGNATING PETITION

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
<b>BILL DE BLASIO</b>	Public Advocate of the City of New York	442 11th Street Brooklyn, New York 11215

Volume Numbers: KG0900067 through KG0900079; KG0900082 through KG0900098; KG0900101; KG0900102; KG0900104; KG0900105; KG0900107 through KG0900110; KG0900112 through KG0900126; KG0900128; KG0900129; KG0900264; KG0900265; KG0900341; KG0900342; KG0900773; KG0900774; KG0901078 through KG0901086; BX0900007; BX0900009; BX0900010; BX0900019; BX0900020; BX0900029 through BX0900039; BX0900042 through BX0900044; BX0900050; BX0900810; QN0900277; QN09000621; QN0900622; RH0900084 through RH0900094; NY0900071; NY0900072; NY0900073; NY0900148; NY0900149; NY0900152; NY0900155; NY0900156; NY0900159; NY0900176; NY0900177; NY0900178; NY0900180; NY0900181; NY0900220; NY0900297; NY0900298; NY0900299; NY0900534; NY0900535; NY0900536; NY0900599; NY0900600; NY0900610; NY0900620; NY0900621; NY0900622; NY0900623; NY0900624; NY0900671;

Total Number of Volumes in Petition: 135

The Petition contains the number, or in excess of the number, of valid signatures required by the Election Law.

All of the signatures in this volume apply to all of the candidates set forth above

**Contact Person to correct Deficiencies:**

Name: HENRY T. BERGER  
 Residence Address: 127 West 77th Street, New York, New York 10024  
 Mailing Address: 127 West 77th Street, New York, New York 10024  
 Phone: (212) 799-9378 Fax: (212) 799-0886

I hereby authorize that notice of any determination made by the Board of Elections be transmitted to the person named above:

H. T. Berger  
 Candidate or Agent



FREDERIC M. UMANE  
PRESIDENT

JULIE DENT  
SECRETARY

JOSE MIGUEL ARAUJO  
JUAN CARLOS "J.C." POLANCO  
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GENERAL COUNSEL  
Tel: (212) 487-5338  
Fax: (212) 487-5342  
E-Mail:  
srichman@boe.nyc.ny.us

July 21, 2009

Henry T. Berger  
127 West 77<sup>th</sup> Street  
New York, NY 10024

Candidate's Name: Bill De Blasio

Party: Democratic

Office: Public Advocate of the City of New York

Dear Sir:

Please be advised that your cover sheet fails to comply with the New York State Board of Elections Regulations, 9NYCRR §6215, or this Board's Rules for Designating/Opportunity to Ballot Petitions adopted on March 24, 2009, for the following reason(s):

- ~ 1. No cover sheet filed.
- ~ 2. Cover sheet attached to petition.
- ~ 3. Name of Party omitted from cover sheet.
- ~ 4. Number of volumes omitted from cover sheet.
- ~ **5. Number of volumes claimed doesn't agree with claimed identification numbers on cover sheet.**
- ~ **6. No identification number(s) claimed on cover sheet.**
- ~ **7. Incorrect identification number(s) on cover sheet.**
  - **Petition volume NY0900071 not filed.**
  - **Petition volume NY0900072 not filed.**
  - **Petition volume NY0900073 not filed.**
- ~ 8. Cover sheet omits statement claiming valid signatures in petition.



9. Candidate name omitted from cover sheet.
10. Candidate address omitted from cover sheet.
11. Office and/or district omitted from cover sheet.
12. Amended cover sheet is not certified.
13. County committee schedule omitted.
14. County committee schedule does not conform to regulations.
15. Some candidates for county committee have no page numbers on the schedule. Those candidates are removed unless the defect is cured.
16. Other:

This defect may be cured within three business days of the date of this letter by the filing of an amended cover sheet. Amended cover sheets must be **filed in person only** at the Executive Office, 32 Broadway, 7th Floor, Borough of Manhattan, New York.

Failure to file the amended cover sheet within the three day period shall be a **FATAL DEFECT**.

Very Truly Yours,

THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK

By: \_\_\_\_\_  


AMENDED COVER SHEET  
**DEMOCRATIC PARTY**  
 DESIGNATING PETITION

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
<b>BILL DE BLASIO</b>	Public Advocate of the City of New York	442 11th Street Brooklyn, New York 11215

Volume Numbers: KG0900067 through KG0900079; KG0900082 through KG0900098; KG0900101; KG0900102; KG0900104; KG0900105; KG0900107 through KG0900110; KG0900112 through KG0900126; KG0900128; KG0900129; KG0900264; KG0900265; KG0900341; KG0900342; KG0900773; KG0900774; KG0901078 through KG0901086; BX0900007; BX0900009; BX0900010; BX0900019; BX0900020; BX0900029 through BX0900039; BX0900042 through BX0900044; BX0900050; BX0900810; ON0900277; ON09000621; ON0900622; RH0900084 through RH0900094; ~~NY0900071; NY0900072; NY0900073~~; NY0900148; NY0900149; NY0900152; NY0900155; NY0900156; NY0900159; NY0900176; NY0900177; NY0900178; NY0900180; NY0900181; NY0900220; NY0900297; NY0900298; NY0900299; NY0900534; NY0900535; NY0900536; NY0900599; NY0900600; NY0900610; NY0900620; NY0900621; NY0900622; NY0900623; NY0900624; NY0900671;

Total Number of Volumes in Petition: ~~185~~ 131

The Petition contains the number, or in excess of the number, of valid signatures required by the Election Law.

**Contact Person to correct Deficiencies:**

Name: HENRY T. BERGER  
 Residence and Mailing  
 Address: 127 West 77th Street, New York, New York 10024  
 Phone: (212) 799-9378 Fax: (212) 799-0886

RECEIVED  
 G.O. BO. OF ELECTIONS  
 IN THE CITY OF NEW YORK  
 2009 JUL 23 P 3:18

I hereby authorize that notice of any determination made by the Board of Elections be transmitted to the person named above:

Henry T. Berger  
 Candidate or Agent

This is to certify that I am authorized to file this amended cover sheet.

7/23/09  
 Date

Henry T. Berger

A COPY OF THE ORIGINAL COVER SHEET IS ATTACHED HERETO

2 ~~13~~ AMENDED COVER SHEET  
**DEMOCRATIC PARTY**  
 DESIGNATING PETITION

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
<b>BILL DE BLASIO</b>	Public Advocate of the City of New York	<b>442 11th Street</b> Brooklyn, New York 11215

Volume Numbers: KG0900067 through KG0900079; KG0900082 through KG0900098; KG0900101; KG0900102; KG0900104; KG0900105; KG0900107 through KG0900110; KG0900112 through KG0900126; KG0900128; KG0900129; KG0900264; KG0900265; KG0900341; KG0900342; KG0900773; KG0900774; KG0901078 through KG0901086; BX0900007; BX0900009; BX0900010; BX0900019; BX0900020; BX0900029 through BX0900039; BX0900042 through BX0900044; BX0900050; BX0900810; QN0900277; QN09000621; QN0900622; RH0900084 through RH0900094; ~~NY0900071; NY0900072; NY0900073~~; NY0900148; NY0900149; NY0900152; NY0900155; NY0900156; NY0900159; NY0900176; NY0900177; NY0900178; NY0900180; NY0900181; NY0900220; NY0900297; NY0900298; NY0900299; NY0900534; NY0900535; NY0900536; NY0900599; NY0900600; NY0900610; NY0900620; NY0900621; NY0900622; NY0900623; NY0900624; NY0900671;

Total Number of Volumes in Petition: ~~185~~ ~~132~~ 132

The Petition contains the number, or in excess of the number, of valid signatures required by the Election Law.

**Contact Person to correct Deficiencies:**

Name: HENRY T. BERGER  
 Residence and Mailing  
 Address: 127 West 77th Street, New York, New York 10024  
 Phone: (212) 799-9378 Fax: (212) 799-0886

RECEIVED  
 GO. BO. OF ELECTIONS  
 IN THE CITY OF NEW YORK  
 2009 JUL 23 P 3: 10

I hereby authorize that notice of any determination made by the Board of Elections be transmitted to the person named above:

Henry T. Berger  
 Candidate or Agent

This is to certify that I am authorized to file this amended cover sheet.

7/23/09  
 Date

Henry T. Berger

A COPY OF THE ORIGINAL COVER SHEET IS ATTACHED HERETO  
 & the Amended Cover sheet

Index No. 06-02925

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

In the Matter of the Application of

BILL DeBLASIO,

Petitioner,

-against-

BOARD OF ELECTIONS IN THE CITY OF NEW YORK,  
Respondents.

ORDER TO SHOW CAUSE  
and VERIFIED PETITION

HENRY T. BERGER  
Attorneys at Law  
127 West 77<sup>th</sup> Street  
New York, New York 10024  
Tel: (212) 799-9378  
Fax: (212) 799-0886

To:  
Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

PART - 130 SIGNING REQUIREMENT

Pursuant to Section 130-1.1-a of  
The Rules of the Chief  
Administrator (22NYCRR).

By: \_\_\_\_\_

Dated:

RECEIVED  
G.O. BD. OF ELECTIONS  
IN THE CITY OF NEW YORK  
2009 JUL 24 P 3: 14

RW

7/20/09  
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RA

all petitions available  
match cover  
sheet - missing  
071, 072, 073 -  
do not exist

# COVER SHEET DEMOCRATIC PARTY DESIGNATING PETITION

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
<b>BILL DE BLASIO</b>	<b>Public Advocate of the City of New York</b>	<b>442 11th Street Brooklyn, New York 11215</b>

88, 89, 90  
91, 92, 93, 94  
95, 96, 97  
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114, 121  
118, 122  
119, 123  
124, 124  
125

68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 83, 84, 85, 86, 87, 108

Volume Numbers: KG0900067 through KG0900079; KG0900082 through KG0900098; KG0900101; KG0900102; KG0900104; KG0900105; KG0900107 through KG0900110; KG0900112 through KG0900126; KG0900128; KG0900129; KG0900264; KG0900265; KG0900341; KG0900342; KG0900773; KG0900774; KG0901078 through KG0901086; BX0900007; BX0900009; BX0900010; BX0900019; BX0900020; BX0900029 through BX0900039; BX0900042 through BX0900044; BX0900050; BX0900810; ON0900277; ON09000621; ON0900622; RH0900084 through RH0900094; NY0900071; NY0900072; NY0900073; NY0900148; NY0900149; NY0900152; NY0900155; NY0900156; NY0900159; NY0900176; NY0900177; NY0900178; NY0900180; NY0900181; NY0900220; NY0900297; NY0900298; NY0900299; NY0900534; NY0900535; NY0900536; NY0900599; NY0900600; NY0900610; NY0900620; NY0900621; NY0900622; NY0900623; NY0900624; NY0900671;

Total Number of Volumes in Petition: 135

The Petition contains the number, or in excess of the number, of valid signatures required by the Election Law.

All of the signatures in this volume apply to all of the candidates set forth above

Contact Person to correct Deficiencies:

Name: HENRY T. BERGER  
 Residence Address: 127 West 77th Street, New York, New York 10024  
 Mailing Address: 127 West 77th Street, New York, New York 10024  
 Phone: (212) 799-9378 Fax: (212) 799-0886

I hereby authorize that notice of any determination made by the Board of Elections be transmitted to the person named above:

Henry T. Berger  
Candidate or Agent

RECEIVED  
G.O. BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK  
2009 JUL 16 P 3:45

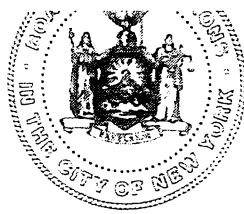
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FREDERIC M. UMANE  
PRESIDENT

JULIE DENT  
SECRETARY

JOSE MIGUEL ARAUJO  
JUAN CARLOS "J.C." POLANCO  
JAMES J. SAMPAL  
NANCY MOTTOLA-SCHACHER  
NAOMI C. SILIE  
J.P. SIPP  
GREGORY C. SOUMAS  
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

EV506437243US

July 21, 2009

Henry T. Berger  
127 West 77<sup>th</sup> Street  
New York, NY 10024

Candidate's Name: Bill De Blasio

Party: Democratic

Office: Public Advocate of the City of New York

Dear Sir:

Please be advised that your cover sheet fails to comply with the New York State Board of Elections Regulations, 9NYCRR §6215, or this Board's Rules for Designating/Opportunity to Ballot Petitions adopted on March 24, 2009, for the following reason(s):

1. No cover sheet filed.
2. Cover sheet attached to petition.
3. Name of Party omitted from cover sheet.
4. Number of volumes omitted from cover sheet.
5. **Number of volumes claimed doesn't agree with claimed identification numbers on cover sheet.**
6. No identification number(s) claimed on cover sheet.
7. **Incorrect identification number(s) on cover sheet.**
  - **Petition volume NY0900071 not filed.**
  - **Petition volume NY0900072 not filed.**
  - **Petition volume NY0900073 not filed.**
8. Cover sheet omits statement claiming valid signatures in petition.

10. Candidate address omitted from cover sheet.
11. Office and/or district omitted from cover sheet.
12. Amended cover sheet is not certified.
13. County committee schedule omitted.
14. County committee schedule does not conform to regulations.
15. Some candidates for county committee have no page numbers on the schedule. Those candidates are removed unless the defect is cured.
16. Other:

This defect may be cured within three business days of the date of this letter by the filing of an amended cover sheet. Amended cover sheets must be **filed in person only** at the Executive Office, 32 Broadway, 7th Floor, Borough of Manhattan, New York.

Failure to file the amended cover sheet within the three day period shall be a **FATAL DEFECT**.

Very Truly Yours,

THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK

By: 

**AMENDED COVER SHEET  
DEMOCRATIC PARTY  
DESIGNATING PETITION**

**NOT VALID**  
CURE:  
JCP  
Date 7-23-09

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
<b>BILL DE BLASIO</b>	<b>Public Advocate of the City of New York</b>	<b>442 11th Street Brooklyn, New York 11215</b>

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Volume Numbers: KG0900067 through KG0900079; KG0900082 through KG0900098; KG0900101; KG0900102; KG0900104; KG0900105; KG0900107 through KG0900110; KG0900112 through KG0900126; KG0900128; KG0900129; KG0900264; KG0900265; KG0900341; KG0900342; KG0900773; KG0900774; KG0901078 through KG0901086; BX0900007; BX0900009; BX0900010; BX0900019; BX0900020; BX0900029 through BX0900039; BX0900042 through BX0900044; BX0900050; BX0900810; ON0900277; ON09000621; ON0900622; RH0900084 through RH0900094; ~~NY0900071; NY0900072; NY0900073~~; NY0900148; NY0900149; NY0900152; NY0900155; NY0900156; NY0900159; NY0900176; NY0900177; NY0900178; NY0900180; NY0900181; NY0900220; NY0900297; NY0900298; NY0900299; NY0900534; NY0900535; NY0900536; NY0900599; NY0900600; NY0900610; NY0900620; NY0900621; NY0900622; NY0900623; NY0900624; NY0900671;

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Total Number of Volumes in Petition: ~~185~~ 131

The Petition contains the number, or in excess of the number, of valid signatures required by the Election Law.

**Contact Person to correct Deficiencies:**

Name: HENRY T. BERGER  
Residence and Mailing  
Address: 127 West 77th Street, New York, New York 10024  
Phone: (212) 799-9378 Fax: (212) 799-0886

I hereby authorize that notice of any determination made by the Board of Elections be transmitted to the person named above:

Henry T. Berger  
Candidate or Agent

This is to certify that I am authorized to file this amended cover sheet.

7/23/09  
Date

Henry T. Berger

A COPY OF THE ORIGINAL COVER SHEET IS ATTACHED HERETO

RECEIVED  
G.O. BD. OF ELECTIONS  
IN THE CITY OF NEW YORK  
2009 JUL 23 P 3:10



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(A)

2<sup>ND</sup> AMENDED COVER SHEET  
DEMOCRATIC PARTY  
DESIGNATING PETITION

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
BILL DE BLASIO	Public Advocate of the City of New York	442 11th Street Brooklyn, New York 11215

Volume Numbers: KG0900067 through KG0900079; KG0900082 through KG0900098; KG0900101; KG0900102; KG0900104; KG0900105; KG0900107 through KG0900110; KG0900112 through KG0900126; KG0900128; KG0900129; KG0900264; KG0900265; KG0900341; KG0900342; KG0900773; KG0900774; KG0901078 through KG0901086; BX0900007; BX0900009; BX0900010; BX0900019; BX0900020; BX0900029 through BX0900039; BX0900042 through BX0900044; BX0900050; BX0900810; QN0900277; QN09000621; QN0900622; RH0900084 through RH0900094; ~~NY0900071; NY0900072; NY0900073~~; NY0900148; NY0900149; NY0900152; NY0900155; NY0900156; NY0900159; NY0900176; NY0900177; NY0900178; NY0900180; NY0900181; NY0900220; NY0900297; NY0900298; NY0900299; NY0900534; NY0900535; NY0900536; NY0900599; NY0900600; NY0900610; NY0900620; NY0900621; NY0900622; NY0900623; NY0900624; NY0900671;

Total Number of Volumes in Petition: ~~185~~ ~~132~~ 132

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 Residence and Mailing  
 Address: 127 West 77th Street, New York, New York 10024  
 Phone: (212) 799-9378 Fax: (212) 799-0886

RECEIVED  
G.O. BD. OF ELECTIONS  
IN THE CITY OF NEW YORK  
2009 JUL 23 P 3:18

I hereby authorize that notice of any determination made by the Board of Elections be transmitted to the person named above:

Henry T. Berger  
Candidate or Agent

RECEIVED  
G.O. BD. OF ELECTIONS  
IN THE CITY OF NEW YORK  
2009 JUL 23 A 9:01

This is to certify that I am authorized to file this amended cover sheet

7/23/09  
Date

Henry T. Berger

A COPY OF THE ORIGINAL COVER SHEET IS ATTACHED HERETO

Citywide



FREDERIC M. UMANE  
PRESIDENT

JULIE DENT  
SECRETARY

JOSE MIGUEL ARAUJO  
JUAN CARLOS "J.C." POLANCO  
JAMES J. SAMPEL  
NANCY MOTTOLA-SCHACHER  
NAOMI C. SILIE  
J.P. SIPP  
GREGORY C. SOUMAS  
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

July 27, 2009

Dear Sir or Madam:

The Commissioners of Elections (or duly constituted committee thereof), pursuant to the provisions of **Rule D6** of the Board's Designating Petition Rules for the September 15, 2009 Primary Election, at a meeting held on July 23, 2009, determined that the following **will not appear on the ballot** for the **September 15, 2009 Primary Election** since the **Amended Cover Sheet** filed **did not** comply with the New York State Election Law and/or the Rules of the Board of Elections, *in that Amended Cover Sheet claimed that the total number of volumes in petition was 131 and the Amended Cover Sheet listed 132 Volume Numbers.*


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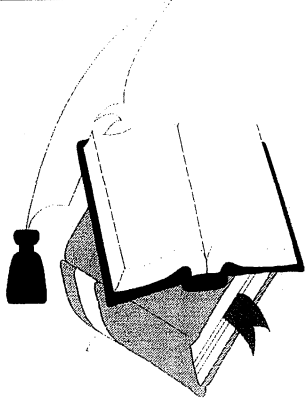
NAME	OFFICE/POSITION	PARTY	DISTRICT
Bill DeBlasio	Public Advocate	Democratic	City of New York

---

Very Truly Yours,

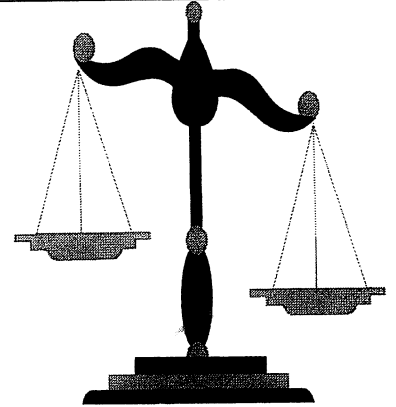
THE COMMISSIONERS OF ELECTIONS IN THE CITY OF NEW YORK

By:   
Steven H. Richman, General Counsel



**BOARD OF ELECTIONS  
IN  
THE CITY OF NEW YORK  
LEGAL DEPARTMENT  
32 BROADWAY, 7TH FL  
NEW YORK, N.Y. 10004**

**TELEPHONE NO. 212-487-5338  
FAX NO. 212-487-5342**



**DATE: July 24, 2009**

**TO: Henry T. Berger, Esq.**

**FAX #: (212) 799-0886**

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

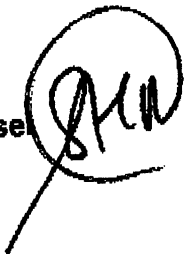
**Total Number of Pages including cover sheet** 2

**MESSAGE: See attached notice, pursuant to Board Designating Petition Rule D6,  
and Amended Cover Sheet filed for Bill DeBlasio on July 23, 2009.**

---

**NOTE:** This message is intended only for the use of the individual or entity to which it is addresses and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is NOT the intended recipient, or the employee or agent responsible for delivering the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the United States Postal Service.

DATE: July 24, 2009  
 TO: Henry T. Berger, Esq.  
 FAX #: (212) 799-0886  
 FROM: Steven H. Richman, General Counsel



Total Number of Pages including cover sheet 2

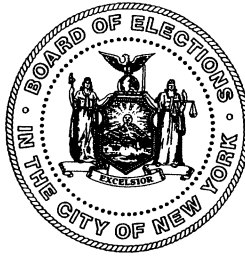
**MESSAGE: See attached notice, pursuant to Board Designating Petition Rule D6, and Amended Cover Sheet filed for Bill DeBlasio on July 23, 2009.**

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P.1 Jul 27 2009 9:50

\*\* Transmit Conf. Report \*\*



FREDERIC M. UMANE  
PRESIDENT

JULIE DENT  
SECRETARY

JOSE MIGUEL ARAUJO  
JUAN CARLOS "J.C." POLANCO  
JAMES J. SAMPEL  
NANCY MOTTOLA-SCHACHER  
NAOMI C. SILIE  
J.P. SIPP  
GREGORY C. SOUMAS  
JUDITH D. STUPP  
COMMISSIONERS

## BOARD OF ELECTIONS

IN  
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Fax: (212) 487-5342  
E-Mail:  
[srichman@boe.nyc.ny.us](mailto:srichman@boe.nyc.ny.us)

July 27, 2009

TO: President Umane and Secretary Dent

FROM: Steven H. Richman, General Counsel 

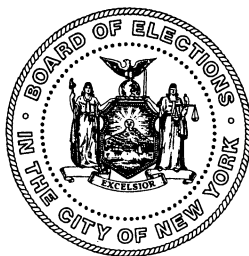
COPIES: Commissioners of Elections, Marcus Cederqvist, George Gonzalez, Pamela Perkins, Troy Johnson, Steven Denkberg, Charles Webb, Joel Bermejo, Giacomo Kmet, Christopher Manos, Diana Scopelliti & Eleanor Guerrieri

RE: REQUEST FOR APPOINTMENT OF A PETITION & COVER SHEET REVIEW COMMITTEE FOR DESIGNATING PETITION MATTERS – WEEK OF JULY 28

The Petition and Cover Sheet review process is winding down. Amended Cover Sheets still need to be reviewed by a Commissioners' Committee and a determination on their validity made. Therefore, the appointment of committees for a couple of days during Week # 3 is still required.

Pursuant to the provisions of the NYS Election Law, the Rules and Regulations of the NYS Board of Elections (9 NYCRR 6215) as well as the Board's Designating Petition Rules (Parts D and Rule J), I respectfully request that you appoint a Commissioners' Committee for the purposes of Petition and Cover Sheet Review. We request that the Committee convene on the following dates:





FREDERIC M. UMANE  
PRESIDENT

JULIE DENT  
SECRETARY

JOSE MIGUEL ARAUJO  
JUAN CARLOS "J.C." POLANCO  
JAMES J. SAMPEL  
NANCY MOTTOLA-SCHACHER  
NAOMI C. SILIE  
J.P. SIPP  
GREGORY C. SOUMAS  
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  
www.vote.nyc.ny.us

JOHN J. WARD  
FINANCE OFFICER

**DATE:** July 28, 2009

**TO:** Commissioners

**FROM:** John J. Ward  
Finance Officer

**RE:** Comparative Expenditures

FY09	P.S. Projection through 7/24/09 Payroll:	\$19,800,000
FY09	P.S. Actual through 7/24/09 Payroll:	<u>\$25,812,400</u>
	Difference	(\$ 6,012,400)
FY10	P.S. Projection through 7/24/09 Payroll:	\$ 1,232,000
FY10	P.S. Actual through 7/24/09 Payroll:	<u>\$ 840,680</u>
	Difference	\$ 391,320

Overtime pays two weeks ending 7/10/09

### OVERTIME USAGE

General Office	10,800
Brooklyn	11,546
Queens	9,069
Bronx	322
New York	57
Staten Island	<u>146</u>
Total	\$31,940

Respectfully submitted,

  
Finance Officer



**Selina Williams**

---

**From:** Marcus Cederqvist  
**Sent:** Friday, July 24, 2009 3:31 PM  
**To:** \*Commissioners  
**Cc:** \*ExecutiveManagement; \*Managers; \*Chief & Deputy Chief Clerks (all); \*ExecSupportGroup; Gartner - Steve Monahan; Michael Kinara (external address)  
**Subject:** FW: 7-24-09 Status Report  
**Attachments:** 7-24-09 Amended Status Report.pdf



7-24-09 Amended  
Status Report.... FYI

(Note the last part about the NYC HAVA complaint - they have switched gears entirely and no longer refer to our letter but rather their proposed rule changes...)

—Original Message—

**From:** ROBBYANN MITOLA [mailto:RMITOLA@elections.state.ny.us]  
**Sent:** Friday, July 24, 2009 3:17 PM  
**To:** ANNA SVIZZERO; JOSEPH BURNS; JOHN CONKLIN;  
KIMBERLY GALVIN; PAUL COLLINS; ROBERT WARREN; STAN  
ZALEN; TODD VALENTINE  
**Subject:** 7-24-09 Status Report

Attached is the weekly HAVA Compliance Update for the week ending July 23, 2009.

Have a Great Weekend!

RobbyAnn



State of New York  
**STATE BOARD OF ELECTIONS**

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Gregory P. Peterson  
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40 STEUBEN STREET  
ALBANY, N.Y. 12207  
Phone: 518/474-6367 Fax: 518/486-4546  
website: [www.elections.state.ny.us](http://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

July 24, 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 an amended Status Report of the Defendant New York State Board of Elections for the week ending July 23, 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 7/17/09-7/23/09**

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

- ES&S submitted corrected invoices at higher rates than what were initially submitted on July 22, 2009. NYSBOE is challenging the increases. In addition, NYSBOE is continuing to work on contract adds with OGS, OSC and vendors.

**Testing, Certification, and Selection of Voting Systems & Devices**

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

- Overall progress of testing :
  - NYSTEC has provided feedback to SysTest on the accuracy test case scope.
  - Numerous calls among SBOE, NSYTEC, SysTest and vendors Dominion and ES&S throughout the week to discuss and resolve issues that arose.
  - SysTest is experiencing some delay with current Dry Runs. However, once resolved and workarounds found, faster dry runs are expected.

**Delivery and Implementation of Voting Systems & Devices**

NEW YORK STATE BOARD OF ELECTIONS


Status of tasks in this category: on schedule

- Acceptance and Functional testing for the Pilot Voting systems continue.
- The July 15 amendment to the under vote notification requirement set forth in 9 NYCRR 6209.2(a)(8) adopted on an emergency basis has been filed with the Secretary of State and is now effective. The amendment eliminated the requirement of notice of an under vote on ballot scanners consistent with the practice of the rest of the nation.

**HAVA COMPLAINT PROCESS**

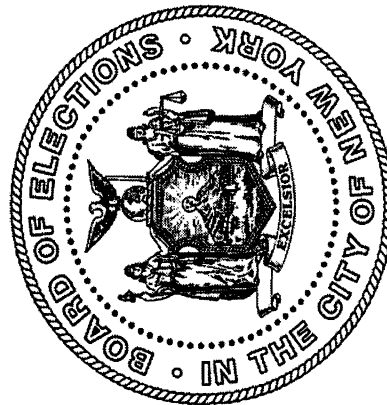
**NYC HAVA Complaint**

The public comment period on the proposed regulation addressing the issue in question will close on July 27, 2009. It is anticipated that the Board will vote to adopt the resolution at the August board meeting.



**The Board of Elections  
in the City of New York**

**New Poll Site Voting System (PVS)  
Implementation Project**



**Project Status Update – July 2009**

F.Y.I.

## Project Status Where Are We?

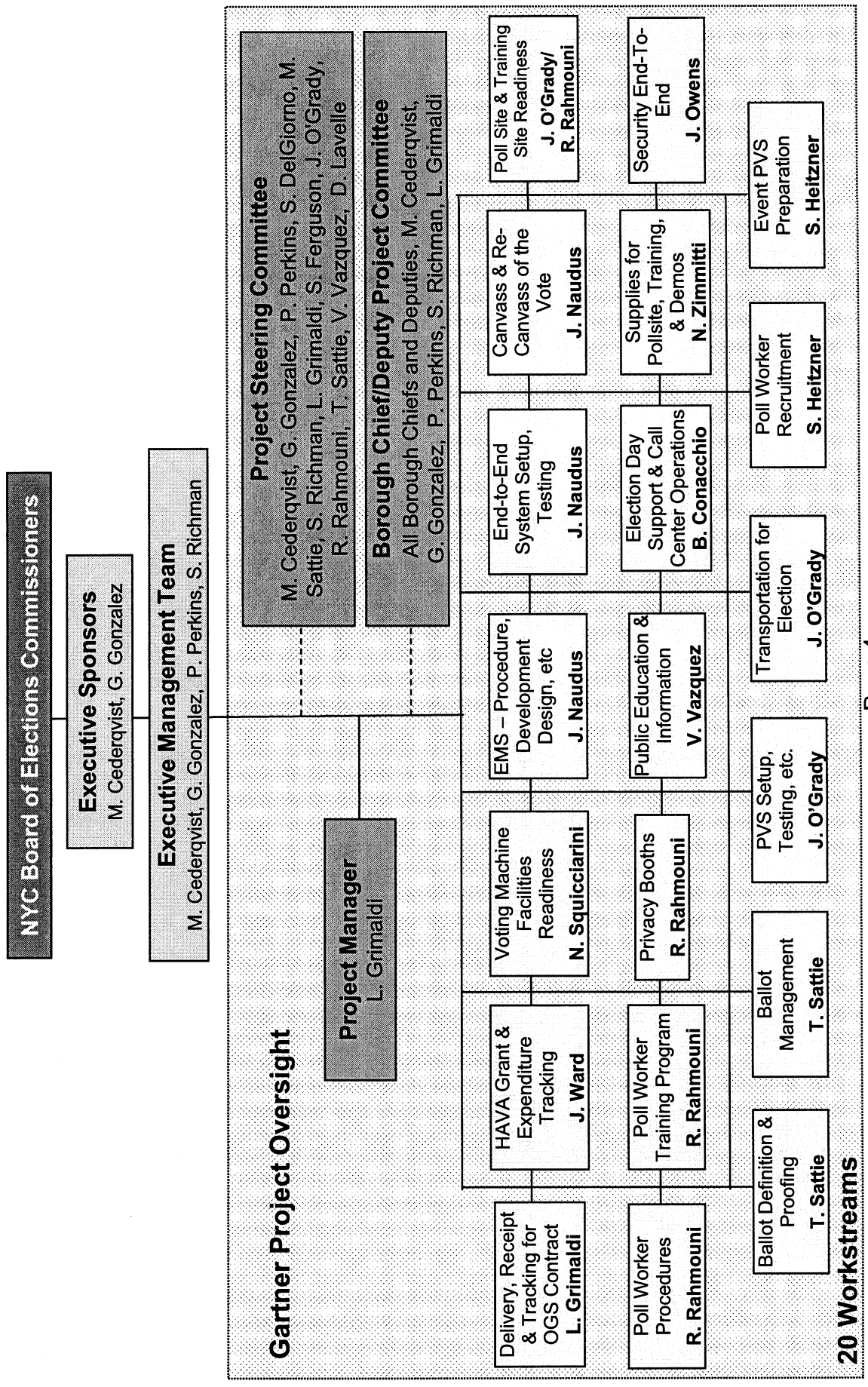
- **Full Replacement of Lever Machine For Fall 2010** – City is required to replace all Lever Machines with New Poll Site Voting (PVS) Equipment for Primary Election in 2010
- **Pilot Project Plan for 2009 Approved By DOJ & Judge** – on June 4<sup>th</sup>, 2009, Judge Sharpe approved NY State Board’s pilot program for limited deployment of New Voting Systems. NYC is not part of the 2009 Pilot. Impacts of the pilot include:
  - NYSBOE **authorized** (not certified) versions of the Pollsite Voting Systems (PVS) in May to be used by Pilot Counties in 2009
  - Pilot counties have already placed orders for these systems in preparation for the pilot implementation
- **State Certification** – NYSBOE estimated that final certification of all systems will be by **Dec. 15<sup>th</sup>, 2009**
  - New York City Commissioners have voted to make a System Selection upon NYSBOE Certification
- **Workstreams Identified for the 2010 Implementation** – City Board staff have identified 20 areas of work that need to be completed for the 2010 implementation:
  - A workstream group comprised of Executive and Borough Office staff has been constituted to address each area of work
  - An orientation for Workstream Leads was held on May 28<sup>th</sup> to start off the workstreams, discuss guiding principles and the overall project organization
  - Workstreams are meeting to plan the detailed activities that are required over the life of the implementation and start work on generic procedures

## Project Status Workstream List

1. Delivery, Receipt and Tracking for OGS Contract
2. PVS Setup, Examination, BOE Testing, Modifications, Retesting & Training
3. HAVA Grant & Expenditure Tracking
4. Event PVS Preparation
5. Voting Machine Facilities Readiness
6. Ballot Definition & Proofing
7. Poll Worker Recruitment Program
8. End-to-End System Setup, Testing
9. Poll Worker Procedures
10. Election Day Support & Call Center Operations
11. Poll Worker Training Program
12. Canvass and Re-Canvass of the Vote of PVS Ballots
13. Supplies for Pollsite, Training, and Demos
14. Ballot Management Workstream
15. Poll Site and Poll Worker Training Site Readiness
16. Security End-to-End
17. Public Education and Information
18. Transportation for Election
19. EMS - Procedure Development, Documentation Design and Scheduling for EMS
20. Privacy Booths

OGS – State Office of General Services, **PVS** – Poll Site Voting System  
HAVA – Help America Vote Act, **EMS** – Election Management System

# Project Status Project Organization





## Project Status Project Schedule

- **The Project Schedule for the 2010 Implementation is Being Finalized –** Board staff is finalizing a detailed project schedule. The project schedule consists of activities that include:
  - Project planning and strategy development
  - Generic tasks that can be completed prior to PVS selection
  - Specific tasks that are dependent on the PVS selection
  - Policies and procedures development across all 20 Workstreams
  - Election specific execution tasks (September 2010 Primary)
- **Key Project Milestone Dates**
  - SBOE certifies PVS by December 15<sup>th</sup>, 2009
  - Commissioners select PVS for New York City by December 22<sup>nd</sup>, 2009
  - BOE receives EMS for selected PVS by January 6, 2010
  - First voting machine facility ready for move-in by March 1<sup>st</sup>, 2010
  - BOE begins receiving first PVS equipment by April 1<sup>st</sup>, 2010
- **Critical Path Tasks Are:**
  - Poll worker procedure development and poll worker training
  - PVS equipment delivery, receipt, State and City acceptance testing

# Project Status High-level Project Schedule

## 2009 Timeline

Jan '09      Mar '09      Jun '09      Sep '09      Dec '09

Project Planning (Workstream Definition, Project Schedule)

Strategy Development for Major Project Areas

Generic Planning & Procedure Development

Upgrade BMDs

Conduct 2009  
Primary Election

Conduct 2009  
General Election

Conduct for Run-off

NYSBOE PVS  
Cert. Selection

## 2010 Timeline

Jan '10      Mar '10      Jun '10      Sep '10      Dec '10

System Specific Planning & Procedure Development

EMS Examination & Modification

PVS Equipment Delivery, Receipt, State & City Acceptance Testing

Detailed Poll Worker Procedure Development

Poll Worker Training

Execute for 2010  
Primary Election

Execute for 2010  
General Election

Post-Election Activities

## Project Status Key Considerations

- **Project Risk Areas to be Monitored –**
  - Project schedule does not allow for “slippage” of key activities in order for workstreams to meet September 2010 Primary Election date
  - Key decisions out of the control of the Board could significantly impact the project schedule (e.g., SBOE certification)
  - Manufacturing timeline once the selection has been made (e.g. monitor the ability for the selected vendor to meet delivery milestones)
  - Ensuring that BOE has adequate training and resources for poll workers and staff
  - Availability of sufficient funds for training, staffing, supplies and ballots for the transition
  - Interdependencies between work areas that impact project dates and milestones
- **BOE Still Dependent on State Actions for 2010 – Certification of new voting systems for fall 2010 elections**
- **City Not Waiting to Start Tasks – BOE is continuing to be proactive by working generically to the limit of what is possible while waiting for SBOE certification and BOE system selection**
- **Facing a Daunting Task – BOE would face huge challenges in accomplishing the full implementation of a new voting system under any circumstance; this has been made more difficult by the projected certification date and the resulting limited implementation timeframe**

FYI



**CONTACTS**

Michelle M. Shafer, Vice President, Communications & External Affairs  
Sequoia Voting Systems  
800.347.4702 • mshafer@sequoiavote.com

Gio Costantiello, Director, Client Relations & Services  
Dominion Voting Systems  
866.654.8683 • gio.costantiello@dominionvoting.com

**SEQUOIA VOTING SYSTEMS ASSIGNS NEW YORK STATE VOTING SYSTEM CONTRACT TO ITS NEW YORK STATE PARTNER AND IMAGECAST EQUIPMENT DEVELOPER, DOMINION VOTING SYSTEMS**

***Assumption of Sequoia's contract by Dominion Voting a win-win for Sequoia, Dominion and New York State's ImageCast customers***

**ALBANY, NY – July 16, 2009** – Sequoia Voting Systems and Dominion Voting Systems have signed an agreement this week that assigns Sequoia's contract with the State of New York for the purchase of voting equipment and related services to Dominion Voting, with Dominion assuming all of Sequoia's obligations under the contract.

Financial details of this transaction are not being disclosed by the parties; however both Sequoia and Dominion are pleased with the outcome of this agreement.

"We are very pleased to have completed this transaction with Dominion Voting," said Jack A. Blaine, chief executive officer of Sequoia Voting Systems. "Sequoia has worked with Dominion - our New York subcontractor and the developer of the ImageCast - for three years, including managing the complex and involved initial implementation of the New York State voting system project. As a result, Dominion is well-qualified to successfully complete the next phase of the project to provide the State of New York with a transparently accurate, HAVA compliant paper-based voting system."

Both Sequoia and Dominion Voting agree that having a single contact point with the State of New York will most effectively allow for the continued high level of customer service to New York's ImageCast customers for the balance of the project.

"Dominion Voting is excited to be announcing this transition. Together with Sequoia we are proud of our work with county and state election boards and other New York State election stakeholders such as New York State Independent Living Centers (NYSILC) and New Yorkers for Verified Voting (NYVV), and remain committed to New York," said John Poulos, chief executive officer of Dominion Voting Systems. "We look forward to continuing our close relationship with our New York State customers and providing the highest levels of customer service for the long-term."

- continued -

As a result of this agreement, Dominion Voting will acquire Sequoia's offices in Jamestown, New York. Additionally, several of Sequoia's New York employees who currently serve New York State customers will be moving to Dominion to further ensure a smooth transition, while the remainder of Sequoia's Jamestown-based employees will be relocated to other Sequoia offices.

New York State Board of Elections co-chair Doug Kellner agrees that this transaction is not only good for Sequoia and Dominion, but is good for New York State.

"I am very pleased with Sequoia and Dominion's commitment to complete certification of the ImageCast ballot scanning system which incorporates state-of-the-art scanning technology. New York has the most rigorous testing standards in the nation, including compliance with the 2005 Voluntary Voting System Guidelines as well as additional voting integrity standards. I am also pleased that Dominion has made all of its source code available for review to the New York State Board of Elections and its Citizens' Election Modernization Advisory Committee, and has indicated that it will continue use of New York subcontractors for the manufacture, assembly and support of its system," said Kellner.

"We are very proud of our role in helping New York State to modernize its voting equipment and we are now even better positioned to serve our current customers who use Sequoia-developed equipment throughout 16 states and the District of Columbia," said Blaine. "This will also allow us to expedite our innovative new product development activities for both the US and international marketplace. All of us at Sequoia wish Dominion and New York State a smooth and successful continuation of this project," said Blaine.

**About Sequoia Voting Systems ([www.sequoiavote.com](http://www.sequoiavote.com))**

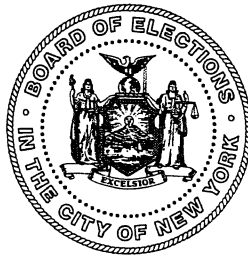
Sequoia Voting Systems is an American-owned and operated international election technology provider headquartered in Denver, Colorado. Sequoia has over a century of experience in providing accurate, reliable and innovative voting solutions to hundreds of customers throughout 16 states and the District of Columbia including the City of Chicago and Cook County, Illinois, the State of Louisiana, the State of Nevada and the majority of counties California. Sequoia's product suite includes a comprehensive election management system, precinct-based optical scan voting units, high-speed central count optical scan ballot readers, full-face and paginating electronic voting equipment with optional printers that produce voter verified paper records and electronic pollbooks. In addition to its robust election technology products, Sequoia also supplies customized training solutions, ballot design, printing services and complete implementation and support programs to its customers.

**About Dominion Voting Systems ([www.dominionvoting.com](http://www.dominionvoting.com))**

At Dominion Voting we aspire to a greater democracy. Our values reflect what we believe are the foundations of that ideal: transparent accuracy, accountability, and accessibility. With offices in Toronto, Denver and New York, Dominion is a full service election solutions provider. Our aim is to provide an array of modern election solution resources, while minimizing election technology complexity.

###

FYE



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## BOARD OF ELECTIONS

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NEW YORK, NY 10004-1609  
(212) 487-5300  
FAX (212) 487-5349  
www.vote.nyc.ny.us

July 23, 2009

Mr. Todd Valentine  
Co-Executive Director  
New York State Board of Elections  
40 Steuben Street  
Albany, NY 12207-2108

Mr. Stanley Zalen  
Co-Executive Director  
New York State Board of Elections  
40 Steuben Street  
Albany, NY 12207-2108

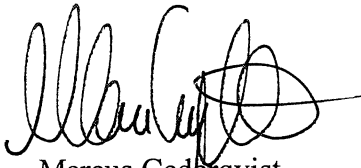
Dear Mr. Valentine and Mr. Zalen:

Per your request for comments, please find enclosed various questions from our staff concerning the Proposed Amendment to Subtitle V of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York concerning Part 6210.18.

The Board's canvass workstream group reviewed the proposed Rule 6210.18 concerning the three percent audit of ballots for the new voting system. During its review, the members of the workstream came up with some questions concerning the language in the rules that merit clarification and are reflected in the attached document.

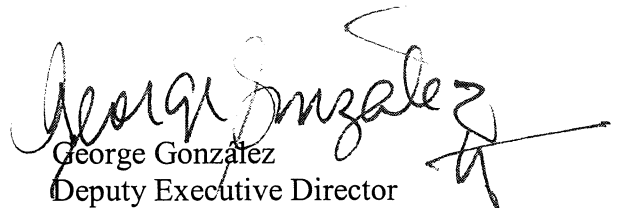
Thank you for the opportunity to submit these questions concerning the proposed rules for your consideration. Please do not hesitate to contact us if you have any questions or if we can be of any assistance.

With best wishes.



Marcus Cedarqvist  
Executive Director

Sincerely,



George Gonzalez  
Deputy Executive Director

Encl.

Cc: Commissioners of Election in the City of New York  
Pamela Perkins, Administrative Manager  
Lucille Grimaldi, Manager, Electronic Voting Systems  
Steven H. Richman, General Counsel  
Michael Kinara, Gartner

## Board of Elections in the City of New York

### Three Percent Audit Guidelines Request for Clarifications

7/23/09

- 1) Need clarification of the applicability of the 3% audit. Does it apply to only public offices or does it include party positions?
- 2) Need clarification on whether the audit is for 3% of a County or 3% of a Jurisdiction (ERMA of 2005 says 3% of jurisdiction and 6210.18 says 3% of County).
  - a) In New York City, we need to know if the language means 3% of the equipment in each of the City's five boroughs separately (Counties of New York, Bronx, Kings, Queens and Richmond) or 3% of New York City's equipment randomized Citywide.
- 3) Need clarification that the voting machines or systems in 6210.18 refer to only optical scanners or DREs and not BMD or Lever Machines.
- 4) Need clarification on random selection of machines from each public office. Does this mean every district in which there is a race for that public office? For example, in New York City there are 51 City Council Districts. Does 6210.18 require an audit of one or more pieces of equipment from each of the 51 districts, or an audit of one or more pieces of equipment from any one Council District?
- 5) Need clarification on how including every public office impacts the 3% requirement. If the audit applies to every district of every public office it may go over 3%. Does 6210.18 intend that when we reach 3% and we have not covered all the public offices we add equipment until we cover all public offices or do we need to devise a methodology that the 3% selected will cover all public offices?
- 6) Need clarification on when a system is considered purchased in order to determine the start of the 45-day timeframe. What is the definition of the purchase date?
- 7) Need clarification on what constitutes systems used on Election Day? Are the following considered used on Election Day?
  - a) Systems that failed and taken out of service during Election Day.
  - b) Spare machines configured and ready if needed for replacement of systems at poll sites but not deployed.
  - c) Training machines used at training sites on Election Day.
- 8) Need clarification on whether the 3% audit is to be conducted following the logic of the scanner, or following the requirements of 6210 for manual canvass of paper ballots.



- 9) Need clarification on the requirements for expanding an audit.
- a) When a manual canvass does not match the machines canvass, how many times should the manual audit be repeated before it is considered accurate?
  - b) If 3% audit applies to party positions, can we exclude County Committee from the one tenth of one percent requirement for expanding the audit? (subdivision (e)(1)(i))
- 10) Need clarification as to how the larger counties will manually accomplish a random sequencing of all of their systems.



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[srichman@boe.nyc.ny.us](mailto:srichman@boe.nyc.ny.us)

**July 23, 2009**

**Jose Adames  
P.O. Box 22  
Inwood Station  
New York, NY 10034**

**RE: Specifications of Objection # 39-1**

**Dear Mr. Adames:**

**The Board of Elections in the City of New York is in receipt of Specifications of Objection # 39-1 filed on July 22, 2009 objecting to the Republican Party Designating Petition filed for Michael R. Bloomberg for Mayor of the City of New York.**

**In accordance with the provisions of Part H of the 2009 Designating Petition Rules for the September 15, 2009 Primary Election (adopted by the Board of Elections on March 24, 2009 and granted pre-clearance by the Attorney General of the United States on May 20, 2009),**

**Rule H12 provides:**

H12. Upon receipt of Specifications of Objection in a borough office, the Chief Clerk and Deputy Chief Clerk (or their designees) shall review said specifications of objections on their face and determine if said specifications appear to be frivolous or if the objectors lack standing to file such specifications. Upon such a preliminary determination by the Chief Clerk and Deputy Chief Clerk, they shall refer their preliminary determination to the Board's Executive Committee for all specifications of objections relating to petitions for Citywide Office or the respective Borough's Commissioners' Committee for specifications of objections relating to petitions for all other offices and/or positions for review. If the appropriate Commissioners' Committee confirms that the specifications of objection appear to be frivolous or that the objector(s) lack standing to file such specifications, they shall confirm the preliminary determination of the Chief Clerk and Deputy Chief Clerk and direct that the specifications of objections not be worked by the borough office staff. Such findings and confirmation thereof shall be reported to the Commissioners at the commencement of the hearings for their review.

**Board staff reviewed the above-referenced Specifications.**

**Said Specifications appeared to be frivolous on the basis that:**

- (1) Sections 6-130 and 6-132 of the Election Law prescribes the elements that must be substantially included on a designating petition to be considered valid. Upon review, the petition sheets submitted on behalf of Michael R. Bloomberg appear to be substantially in the form prescribed by the Election Law.**
- (2) A Certificate of Authorization by the appropriate party committee(s) pursuant to Section 6-120 of the Election Law was filed on July 16, 2009 for Michael R. Bloomberg to be a candidate in the September 15, 2009 Republican Party Primary and a Certificate of Acceptance was filed by Michael R. Bloomberg, pursuant to Section 6-146 of the Election Law on July 16, 2009.**

The foregoing findings and preliminary determination that the Specifications of Objection was frivolous was presented to the Executive Committee of the Commissioners of Elections in the City of New York, in accordance with the provisions of Rule H-12 on this date and the Executive Committee confirmed the Board's staff preliminary determination and directed that the specifications of objection not be worked by the Board staff.

The aforementioned findings and confirmation thereof shall be reported to the Commissioners at the commencement of the hearings for their review.

If you wish to contest the aforementioned findings and confirmation thereof, please note the following:

The Commissioners of Elections in the City of New York will conduct a hearings on all Prima Facie matters as well as specifications of objections to designating petitions and related matters beginning on MONDAY, AUGUST 3, 2009 and continuing on TUESDAY, AUGUST 4, 2009, and WEDNESDAY, AUGUST 5, 2009 (if necessary). Please call the Executive Office at (212) 487-5300 after Tuesday, July 28, 2009 for a detailed schedule by Borough or Citywide position.

All determinations and confirmations relating to frivolous Specifications will be heard at the beginning of the Board's Calendar of Objections for Citywide Office.

This hearing will be held in the *Commissioners' Hearing Room, 42 Broadway, 6<sup>th</sup> Floor, Borough of Manhattan, New York*. The Rules and Procedures set forth in Part J of the Board's Designating Petition Rules will govern this hearing.

Very Truly Yours,

THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK

By: \_\_\_\_\_

  
STEVEN H. RICHMAN, General Counsel

**Copy: The Commissioners of Elections**  
**Marcus Cederqvist, Executive Director**  
**George Gonzalez, Deputy Executive Director**  
**Pamela Perkins, Administrative Manager**  
**John Owens, Director, Campaign Finance Enforcement**  
**Troy Johnson, Coordinator, Candidate Records Unit**  
**Temporary Legal Staff:**  
**Diana Scopelliti, Temporary Attorney**  
**Christopher K. Manos, Temporary Attorney**  
**Joel Bermejo, Law Student Intern**  
**Giacomo Kmet, Law Student Intern**

**John F. Haggerty, Jr., 115 Greenway North, Forest Hills, NY**  
**11375, Contact Person for Michael R. Bloomberg**

39-1

**SPECIFICATIONS OF OBJECTION**

TO: The Board of Elections in the City of New York

OBJECTOR: Name: Jose Adams  
 Residence Address: P.O. Box 22 INWOOD STA  
N.Y. N.Y. 10034  
 OBJECTOR'S CONTACT PERSON: Name: Jose Adams  
 Mailing Address: P.O. Box 22 INWOOD STA  
 (may be a business address) N.Y. N.Y. 10034  
 Telephone Numbers: 7646-374-7753  
 Fax Number: 718-825-3036

RECEIVED  
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IN THE CITY OF NEW YORK

2009 JUL 22 PM 3

Indicate if there is a different fax number to be used on Saturday or Sunday

The objector submits the following specifications in support of the General Objection to the nominating petition for:

CANDIDATE: Name: Michael Bloomberg  
 Residence Address: 17 East 79 Street  
New York, N.Y. 10075  
 Public Office or Party Position: NYC MAYOR  
 District: NYC.  
 Political Party/Independent Body: REPUBLICAN

PETITION VOLUME IDENTIFICATION NUMBERS: see cover sheet  
Sheet ADDED (ALL Volumes)

CANDIDATE'S CONTACT PERSON (from the petition cover sheet):  
 Name: John F. Haggerty, Jr  
 Mailing Address: 115 Greenway North  
 Telephone Numbers: Forest Hills NY 11375  
 Fax Number: Phone 917-447-6585

TOTAL NUMBER OF SIGNATURES ON PETITIONS: ALL Signatures  
 NUMBER OF INVALID SIGNATURES ON PETITION: ALL Signatures  
 The line by line and any other specific objections are attached. see papers added

[Signature]  
 Objector's Signature

New York, 07 / 22 / 2009

To: The New York City Board of Elections

Subject: Specification of Objections against Mr. Bloomberg's Designation  
Petitions.  
See added Cover Sheet

The forms to collect Mr. Michael Bloomberg's designation petitions, were printed, without following the Board of Elections' directions; they didn't leave space for the petitioners to print their names. They ignored the sample form supplied

Following their pattern, all his signatures were wrongfully picked without including the signer's name, is a failure to the Election Law mandate.

Election Law 6-130 Designating Petition ; signer information.

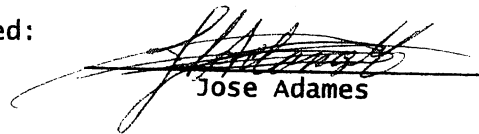
" The sheets of designating petitions must set forth " in every instance the name of the signer ".....

Mr. Bloomberg's petitions only show the signatures of the petitioners, no names.  
A fatal defect.

Also, Mr. Bloomberg's petitions were improperly collected, because, despite that he changed his party to the Republican Party, according to the Election law, his change won't be effective until the next General Elections.

As a consequence from the above and the by-law of the Republican Party, his petitions were also wrongfully collected because there is a republican candidate, running, an ex-party candidate as it is Mr. Bloomberg, can't be endorsed.

Submitted:

  
Jose Adames

MC

REPUBLICAN PARTY  
DESIGNATING PETITION  
COVER SHEET

Name(s) of Candidate(s)	Public Office (s)	Place(s) of Residence
MICHAEL R. BLOOMBERG	MAYOR of the City of New York	17 East 79 <sup>th</sup> Street New York, New York 10075

Total Number of Volumes in Petition .....18 (EIGHTEEN)

Volume Identification Numbers:

<u>NY 0900549</u>	<u>NY 0900553</u>	<u>NY 0900557</u>	<u>NY 0900561</u>	<u>NY 0900565</u>
<u>NY 0900550</u>	<u>NY 0900554</u>	<u>NY 0900558</u>	<u>NY 0900562</u>	<u>NY 0900566</u>
<u>NY 0900551</u>	<u>NY 0900555</u>	<u>NY 0900559</u>	<u>NY 0900563</u>	
<u>NY 0900552</u>	<u>NY 0900556</u>	<u>NY 0900560</u>	<u>NY 0900564</u>	

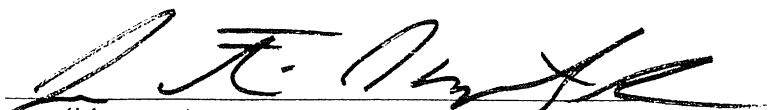
The petition contains the number, or in excess of the number, of valid signatures required by the Election Law.

Contact Person to Correct Deficiencies:

Name: John F. Haggerty, Jr.  
 Residence  
 Address: 115 Greenway North, Forest Hills, NY 11375  
 Phone: 917-447-6585

RECEIVED  
 G.O. BOARD OF ELECTIONS  
 IN THE CITY OF NEW YORK  
 2009 JUL 14 PM 12:44

I hereby authorize that notice of any determinations made by the Board of Elections be transmitted to the person named above:

  
 Candidate or Agent



SKA  
7/22/09



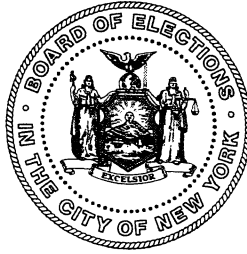
TENTATIVE  
SUBJECT TO CHANGE

RECORD OF DESIGNATING PETITIONS FILED  
Primary Election 2009 - 09/15/2009  
Richmond County

BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK  
PRINTED AS OF:  
7/21/2009 8:46:44PM

OFFICE	PARTY	NAME OF CANDIDATE	ADDRESS	Documents	Date Filed	Court Challenges	Objections	Status	Remarks
Mayor - Citywide	Independence	Michael R Bloomberg	17 East 79 Street New York, NY 10075	Certificate of Acceptance	7/16/09 9:41 pm				
				Petition-Designating RH0900299	7/16/09 8:38 pm				
				Petition-Designating RH0900301	7/16/09 8:36 pm				
				Petition-Designating RH0900303	7/16/09 8:36 pm				
				Petition-Designating RH0900302	7/16/09 8:35 pm				
				Petition-Designating RH0900305	7/16/09 8:35 pm				
				Petition-Designating RH0900300	7/16/09 8:35 pm				
				Petition-Designating RH0900297	7/16/09 8:35 pm				
				Petition-Designating RH0900304	7/16/09 8:35 pm				
				Certificate of Authorization	7/16/09 3:15 pm				
				Coversheet-Separate	7/16/09 1:49 pm				
				Petition-Designating QN0900294	7/16/09 1:49 pm				
				Petition-Designating QN0900293	7/16/09 1:49 pm				
				Petition-Designating QN0900288	7/16/09 1:48 pm				
				Petition-Designating QN0900289	7/16/09 1:48 pm				
				Petition-Designating QN0900290	7/16/09 1:48 pm				
				Petition-Designating QN0900292	7/16/09 1:48 pm				
				Petition-Designating QN0900291	7/16/09 1:48 pm				
				Petition-Designating QN0900287	7/16/09 1:47 pm				
				Petition-Designating RH0900114	7/16/09 1:46 pm				
				Petition-Designating RH0900117	7/16/09 1:46 pm				
				Petition-Designating RH0900115	7/16/09 1:46 pm				
				Petition-Designating RH0900116	7/16/09 1:46 pm				
				Petition-Designating BX0900147	7/16/09 1:45 pm				
				Petition-Designating BX0900144	7/16/09 1:45 pm				
				Petition-Designating BX0900146	7/16/09 1:45 pm				
				Petition-Designating BX0900145	7/16/09 1:45 pm				
				Petition-Designating kg0900173	7/16/09 1:44 pm				
				Petition-Designating kg0900172	7/16/09 1:44 pm				
				Petition-Designating KG0900170	7/16/09 1:44 pm				
				Petition-Designating KG0900174	7/16/09 1:44 pm				
				Petition-Designating KG0900171	7/16/09 1:44 pm				
				Petition-Designating KG0900167	7/16/09 1:43 pm				
				Petition-Designating KG0900168	7/16/09 1:43 pm				
				Petition-Designating KG0900169	7/16/09 1:43 pm				
				Petition-Designating NY0900132	7/16/09 1:42 pm				
				Petition-Designating NY0900133	7/16/09 1:42 pm				





FREDERIC M. UMANE  
PRESIDENT

JULIE DENT  
SECRETARY

JOSE MIGUEL ARAUJO  
JUAN CARLOS "J.C." POLANCO  
JAMES J. SAMPAL  
NANCY MOTTOLA-SCHACHER  
NAOMI C. SILIE  
J.P. SIPP  
GREGORY C. SOUMAS  
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

### MEMORANDUM

**To:** Chief and Deputy Chief Clerks  
**From:** George González, Deputy Executive Director  
**Re:** Mandatory Overtime – Completion of Specifications  
**Date:** July 23, 2009  
**Cc:** Marcus Cederqvist, Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
Steve Ferguson, Director of MIS  
John Ward, Finance Officer  
Dorothy Delayo, Director of Personnel  
Nicholas Zimmitti, President, CWA Local 1183

As you know, the hearings on Designating Petitions for the September 15, 2009 Primary Election are scheduled to begin on Monday, August 3, 2009 at 10:00 am. In order to ensure that your office has sufficient time for the completion of specifications, all borough offices will be placed on mandatory overtime.

Please take notice of the following schedule, effective Friday, July 24, 2009 through Sunday, August 2, 2009:

	<b>Weekday Hours – Monday through Friday</b>
<b>All Boroughs</b>	<b>8:00 A.M. to 9:00 P.M.</b>
	<b>Week End Hours</b>
	<b>Saturday – 8:00 A.M. to 5:00 P.M.</b>
<b>All Boroughs</b>	<b>Sunday – 10:00 A.M. to 5:00 P.M.</b>

## BOARD OF ELECTIONS

Kindly note that the above mandatory overtime hours are subject to change and are dependent on the workload. The hours and personnel affected can be adjusted upon approval from Executive Management.

During the above mentioned hours, the Borough Offices shall be open to the public. Regarding on-site coverage from the MIS Department, Mr. Ferguson will send under separate cover, the names of the staff members who you can contact if a problem should arise.

Thank you for your immediate attention, cooperation and understanding with this matter. If you have any questions do not hesitate to contact me.

# **BOARD OF ELECTIONS IN THE CITY OF NEW YORK**

## **MEMORANDUM**

**TO:**

✓ **The Commissioners of Elections**  
**Marcus Cederqvist, Executive Director**  
**George Gonzalez, Deputy Executive Director**  
**Pamela Perkins, Administrative Manager**  
**John Owens, Director, Campaign Finance**  
**Enforcement**  
**Temporary Legal Staff:**  
**Diana Scopelliti, Temporary Attorney**  
**Christopher K. Manos, Temporary Attorney**  
**Joel Bermejo, Law Student Intern**  
**Giacomo Kmet, Law Student Intern**

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

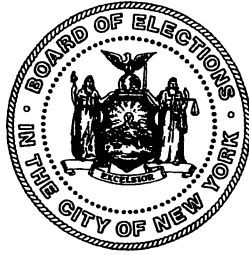
**DATE:** July 23, 2009

**RE:** BOE Comments on S. 1366

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For your information and files.

Attachment



FREDERIC M. UMANE  
PRESIDENT

JULIE DENT  
SECRETARY

JOSE MIGUEL ARAUJO  
JUAN CARLOS "J.C." POLANCO  
JAMES J. SAMPEL  
NANCY MOTTOLA-SCHACHER  
NAOMI C. SILIE  
J.P. SIPP  
GREGORY C. SOUMAS  
JUDITH D. STUPP  
COMMISSIONERS

## BOARD OF ELECTIONS

IN  
THE CITY OF NEW YORK  
EXECUTIVE OFFICE, 32 BROADWAY  
NEW YORK, NY 10004-1609  
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[www.vote.nyc.ny.us](http://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](mailto: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: S. 1366**

**DATE: July 23, 2009**

---

**The Board of Elections in the City of New York is in receipt of the telephone request from your office on July 22, 2009 for comments by the Board on S. 1366.**

**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.**

**This bill reflects the practice and procedure followed by the Board of Elections in the City of New York with respect to reviewing the validity of independent nominating petitions filed with this Board. This Board was a named defendant in *Chou v. New York State Board of Elections* (US District Court, Eastern District of New York; 2004) which challenged the constitutionality of Section 6-140 of the New York State Election Law with respect to the requirements of a subscribing witness to an independent nominating petition.**

**In open Court, this Board represented to the Court and stipulated on the record that it would not entertain any specification of objection regarding this unconstitutional provision.**

**In fact, in the 2009 Independent Nominating Petition Rules adopted by this Board on May 12, 2009 and pre-cleared by the Attorney General of the United States, pursuant to Section 5 of the Voting Rights Act of 1965, as amended on July 8, 2009, adopted the following footnote with respect to this issue:**

“In accordance with the Decision and Order entered by The U.S. District Court for the Eastern District of New York in *Chou v. New York State Board of Elections* [332 F. Supp. 2d 510 (2004)] which held that the requirement that the witness to an independent nominating petition be a resident of the political subdivision wherein the candidate is seeking election is unconstitutional and the representations made to the Court therein by the Board of Elections in the City of New York, the Board of Elections will not entertain any specification of objection in this regard even if the subscribing witness utilizes the language set forth on the sample form prescribed the State Board of Elections pursuant to the Election Law, which does not conform to the Court’s Order and the witness resides outside of the applicable political subdivision.”

**(Note: The 2009 Independent Nominating Petition Rules have been published and widely distributed and are available on the Board’s website [www.vote.nyc.ny.us](http://www.vote.nyc.ny.us)).**

**The enactment of this bill simply conforms the statutory language contained in Section 6-140 of the Election Law to the relevant decisions of the Courts of the United States and the highest court of this State, the Court of Appeals, both of which found the witness residency requirement unconstitutional.**

**Accordingly, the Board recommends that the Governor approve S. 1366. 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.**

Conn. Mtg  
K42

# Tiny snafu KOs de Blasio's candidacy

A technical error could spell the end of City Councilman Bill de Blasio's candidacy for public advocate.

De Blasio, a leading contender for the open seat, was

tossed off the ballot yesterday after twice submitting nominating petitions with the same defect — the wrong number of petitions — on the cover page.

He played down the gaffe, calling it a "typo," but sources say the only way he can get back on the ballot is to challenge the decision in court.

Without de Blasio in the four-way Democratic primary, front-runner Mark Green has a much better chance of winning without a runoff. *Sally Goldenberg*

New York Post, Friday, July 24, 2009

## One candidate's loss is another's opportunity

WELL, THAT didn't take long.

When public advocate candidate Bill de Blasio was kicked off the ballot Thursday for a typo in his petition filings, his rivals offered their sympathy.

But one of them — City Councilman Eric Gioia of Queens — jumped on the phone that night looking for endorsements from the Brooklyn councilman's supporters.

One union official who got a late-night call from the eager Gioia wasn't impressed.

"It was over-the-top inappropriate," he said.

De Blasio is fighting his ballot boot, caused by a mistake on the cover sheet of his petitions. Three other candidates — Democrats Mark Green and Norman Siegel and Republican Alex Zablocki — have said a technicality shouldn't knock de Blasio out.

### EXCLUSIVE

BY CELESTE KATZ  
DAILY NEWS CITY HALL BUREAU

Gioia agreed — but that didn't stop him or his staff from near-instantly trolling for support from de Blasio backers.

"I was stunned, frankly — it was so brazen," the union official said.

Gioia aide Justin Schall called de Blasio's petition snafu a "candidate's worst nightmare" and said technicalities shouldn't shape elections.

Still, he defended the calls, saying Gioia is working to garner Democratic support — possibly for a potential runoff election.

With Adam Lisberg  
ckatz@nydailynews.com

Saturday, July 25, 2009

DAILY NEWS

**The New York Times**

July 25, 2009

EDITORIAL

## For a Typo?

New York City's election laws are notoriously unfair, and few events make that point as well as what happened on Thursday to City Councilman Bill de Blasio. Mr. de Blasio, a Democrat from Brooklyn, has been running for the job of public advocate for New York City. He has raised more than \$1 million and courted thousands of voters. To get on the ballot, he needed 7,500 valid signatures of city voters. To be sure he got enough, his campaign gathered 125,000.

But Thursday afternoon, Mr. de Blasio's name was removed from the Democratic Party line on the ballot by the New York City Board of Elections. The reason? A cover page on his packet of signatures said that there were 131 folders when there were actually 132.

To drop a candidate for that kind of picayune mistake is so outrageous that even Mr. de Blasio's three main competitors in the race have supported his right to be on the ballot.

The treatment of Mr. de Blasio, who is expected to appeal, is a reminder of how easy it is to squeeze out the competition in New York elections. The city's board of elections has 10 commissioners — one Republican and one Democratic appointee from each borough. Ideally, they are supposed to make certain voters have plenty of choices. Instead, this board and the State Legislature set these little traps that can send even the savviest candidates packing.

There are better, fairer ways to figure out who is qualified to run. The system can't be so loose that the ballot becomes unwieldy. But many other communities have found alternatives like giving a candidate the choice of either paying a modest filing fee or opting to file a certain number of signatures.

Some protest that filing fees discriminate against poorer candidates, but in today's political realm, anyone who can't raise a few hundred dollars has little chance of competing anyway. Moreover, New York City's system is exorbitantly expensive since candidates have to pay lawyers to defend their signatures.

One candidate told Citizens Union that he spent almost \$50,000 — 30 percent of his campaign fund — trying to stay on a special elections ballot a few months ago.

It is too late for the Legislature to change these archaic rules before this year's city elections, especially given the anarchy in Albany. Until then, candidates should not try to shove each other out of the race, and the burden should be on the board of elections to find ways to keep candidates on the ballot, not to push them off for typographical errors. Given how bad New York lawmakers are at governing, voters need more choice, not less. That way, New Yorkers will have someone to cast a ballot for when they vote to fire their incompetent incumbent.

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COMM  
FYE

**NEW YORK COUNTY**  
*Supreme Court*

**Rules For Special Election Part**

Orders to Show Cause to validate or invalidate designating or nominating petitions, required to be commenced on or before Thursday, July 30, 2009, shall be returnable before Justice Edward Lehner on Monday, August 3, 2009 at 9:30 A.M. in Room 252, located at 60 Centre Street, New York, New York.

The calendar must be answered by counsel or the litigant(s), pro se, who must be ready for assignment on the return date. Non-lawyer "representatives" of parties are not permitted to answer the calendar.

On the return date, all counsel and parties appearing pro se shall advise the Clerk of the Part of their addresses and telephone numbers. Proof of Service of the Order to Show Cause, as well as any interposed Counterclaims or Answers, shall be filed with the Clerk of the Part (not the County Clerk).

Specifications of objections to a designating or nominating petition previously served and filed, pursuant to the Rules of the Board of Elections, need not be filed with the Clerk of the Part.

Specifications of objections, not previously served and filed with the Board of Elections, shall be served upon all opposing parties and filed with the Clerk of the Part no later than 9:30 A.M., Monday, August 3, 2009. Failure to serve and file any such specifications of objections shall be deemed a waiver, and further proof shall be precluded.

In any proceeding by an aggrieved candidate to invalidate a designating or nominating petition, a bill of particulars as to the specifications of objections shall be served upon all opposing parties and filed with the Clerk of the Part no later than 9:30 A.M., Monday, August 3, 2009. Failure to serve and file a bill of particulars shall be deemed a waiver, and further proof shall be precluded.

In any matter alleging a question of residency of a candidate, a complete written offer of proof shall be served upon all opposing parties and filed with the Clerk of the Part on the return date. Failure to serve and file same shall be deemed a waiver, and further proof shall be precluded.

A complete written offer of proof in all matters alleging a question of fraud, including a statement as to the number of witnesses expected to be called, the identification of each such witness (by name, address, volume, page and line) and the status of each such witness (e.g., candidate, signatory, subscribing witness, notary public, etc.), shall be served upon all opposing parties and filed with the Clerk of the Part no later than 9:30 A.M., Monday, August 3, 2009. Failure to serve and file such offer of proof shall be deemed a waiver, and further proof shall be precluded.

**New York Law Journal**

FRIDAY, JULY 24, 2009