AGENDA
COMMISSIONERS’ MEETING
TUESDAY, JUNE 16, 2009
AT 1:30 P.M.

1. Board of Canvassers for the Certification of the June 2, 2009 Special Elections in Bronx County

2. Minutes
   a) 5/19/09
   b) 5/26/09
   c) 6/02/09

3. Marcus Cederqvist
   a) HAVA Update

4. Rosanna Rahmouni
   a) 2009 Poll Worker Training Update

5. John O’Grady / John Ward
   a) Long Term Poll Site Accessibility Grants

6. Steven H. Richman
   a) Draft Letter to State Board re: Change in Voter Registration Procedures

7. Valerie Vazquez / Daniel Lavelle
   a) New Voting System Public Information Campaign Update

8. Dorothy Delayo
   a) Exit Procedures for Departing Employees

9. John Ward
   a) Comparative Expenditures
10. Executive Session
   a) Litigation

For Your Information

- Department of Justice Pre-Clearance of Submissions Numbered 2009 – K – 05/06/07/08/09
- Letter to Governor David A. Paterson from Westchester County Board of Legislators
- Wednesday, June 10, 2009, 9:00AM, Election Law, Room 715 LOB (Millman)
- Speaker Sheldon Announces Appointments to Assembly Leadership Positions
- Silver Outlines Proposal to Reform Ethics, Lobbying, Campaign Finance Laws
- Letter from Christopher Coates, Chief, Voting Section, U.S. Department of Justice, Civil Rights Division
DATE: June 16, 2009

TO: Commissioners

FROM: John J. Ward
Finance Officer

RE: Comparative Expenditures

FY09 P.S. Projection through 6/12/09 Payroll: $18,805,500
FY09 P.S. Actual through 6/12/09 Payroll: $24,542,614
Difference ($5,737,114)

Overtime pays two weeks ending 5/29/09

OVERTIME USAGE

<table>
<thead>
<tr>
<th>Location</th>
<th>Overtime Usage</th>
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<tr>
<td>General Office</td>
<td>27,422</td>
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<td>Brooklyn</td>
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<td>Queens</td>
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<td>Bronx</td>
<td>9,016</td>
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<td>New York</td>
<td>19,208</td>
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<tr>
<td>Staten Island</td>
<td>64</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$77,140</strong></td>
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</table>

Respectfully submitted,

Finance Officer
June 12, 2009

TO: The Commissioners of Elections

FROM: Steven H. Richman, General Counsel

COPIES: Marcus Cederqvist, George Gonzalez, Pamela Perkins, Steve Ferguson, Charles Webb, & Steven Denkberg, & OCG Files; Chief Clerk & Deputy Chief Clerk, Brooklyn

RE: DEPARTMENT OF JUSTICE PRE-CLEARANCE OF SUBMISSIONS NUMBERED 2009-K-05/06/07/08/09

Attached hereto is a copy of a letter dated June 3, 2009 from Christopher Coates, Chief of the Voting Section, Civil Rights Division, U.S. Department of Justice advising that the Attorney General of the United States does not object to our pre-clearance submissions:

2009 K-05, (dated April 6, 2009) making seven (7) poll site changes in the 56th Assembly District, County of Kings for the September 2009 Primary Election.

2009 K-06, (dated April 6, 2009) making there (3) poll site change in the 52nd Assembly District, County of Kings for the September 2009 Primary Election.
2009 K-07, (dated April 23, 2009) making five (5) poll site changes in the 42nd and 44th Assembly Districts, County of Kings for the September 2009 Primary Election.

2009 K-08, (dated April 24, 2009) making one (1) poll site change (Election District with no voters) in the 55th Assembly District, County of Kings for the September 2009 Primary Election.

2009 K-09, (dated April 24, 2009) making one (1) poll site change in the 47th Assembly District, County of Kings for the September 2009 Primary Election.

Therefore, the changes are effective as of June 3, 2009.

Thank you for your attention to this matter.

Attachment
WESTCHESTER COUNTY BOARD OF LEGISLATORS
800 MICHAELIAN OFFICE BUILDING
148 MARTINE AVENUE
WHITE PLAINS, NEW YORK 10601
(914) 995-2800
FAX: (914) 995-3884

June 11, 2009

Governor David A. Paterson
State Capitol
Albany, NY 12224

Dear Governor Paterson:

We urge you to take all actions necessary, to permit counties to continue to use mechanical lever voting machines.

Our democracy is founded on free and fair elections. Public confidence in our electoral system is crucial. Fair elections and public confidence are founded on reliable and secure processes for casting and counting ballots.

In October 2002, the United States Government enacted the Help America Vote Act (HAVA) to require states to replace antiquated and unreliable voting systems and to insure that voting is accessible to all voters, including those with disabilities.

Mechanical lever voting machines now in use in Westchester County and elsewhere in New York State have long proved reliable, user-friendly and cost-effective. Replacing lever voting machines is very costly and will unduly burden county taxpayers. It has proved to create voter confusion and, in some cases, may result in the use of machines that could compromise the integrity of future elections.

When used in conjunction with optical scanners (with ballot-marking devices to accommodate voters with disabilities) to count paper ballots by precinct, lever voting machines can be part of a voting system which is HAVA compliant and is in the best interest of the public.

We note that while preferable to touch screens, optical scan voting machines have malfunctioned in many counties throughout the United States including Upshur County, West Virginia; Palm Beach County, Florida; Oakland County, Michigan as well as Washington, D.C.

Accordingly, we respectfully urge you to take all actions necessary, including the amendment of the Election Reform and Modernization Act (ERMA), to permit counties to use lever voting machines in combination with paper ballots counted by precinct on optical scanning machines in future elections.
Assembly Print:

3126
BRADLEY, PAULIN, GALEF, MAGEE, BRENNAN, DINOWITZ--
An act to amend the election law, in relation to requiring judges to be enrolled members of the party for a primary election or to have received a proper certificate of authorization filed properly according to the election law

3367-A
ENGLEBRIGHT, V. LOPEZ, MORELLE, LUPARDO, KAVANAGH--
An act to amend the election law, in relation to absentee voting for primary care givers

3430
BRADLEY, CAHILL, COOK, CUSICK, GALEF, PEOPLES, ROSENTHAL--
An act to amend the election law, in relation to the designation of polling places

4015-A
KAVANAGH, FARRELL, BING, CASTRO, DINOWITZ, REILLY, CAMARA, KELLNER, BARRON, MILLMAN--
An act to amend the election law, in relation to requests for affidavit ballots including application for registration and enrollment

4959
V. LOPEZ--
An act to amend the election law, in relation to independent nominating petitions

5276-A
GALEF, HOYT, BRADLEY, KAVANAGH, DINOWITZ, THIELE, BRENNAN, ENGLEBRIGHT, MAGNARELLI, PEOPLES, PAULIN, PHEFFER, SCHIMEK, JAFFEE, REILLY, KOLB, DELMONTE, ROSENTHAL, ALFANO, GORDON, ZEBROWSKI, ESPAILLAT--
An act to amend the election law, in relation to absentee ballots

6825
WRIGHT--
An act to amend chapter 92 of the laws of 2001, amending the election law relating to the election ballot and canvassing write-in votes, in relation to extending the expiration of the provisions of such chapter

7016
EDDINGTON--
An act to amend the election law, in relation to authorizing registration records of victims of domestic violence to be kept confidential in certain cases
An act to amend the election law, in relation to making applications for absentee ballots

An act to amend the election law, in relation to military voting, and to amend chapter 237 of the laws of 2005 amending the election law relating to military voting, in relation to making such provisions permanent

An act to amend the election law, in relation to the qualifications taken into account for determining the minimum number of voting machines used in polling places

An act to amend the election law, in relation to appointment of commissioners of election

An act to amend the election law, in relation to information to be included on statewide voter registration application forms

An act to amend the election law, in relation to ballots which are counted by machine; to amend the election law, in relation to paper ballots; and to repeal section 8-310 of such law, relating to paper ballots

An act to amend the election law, in relation to the purchase or lease of election equipment, supplies and ballots in the city of New York

An act to amend the election law, in relation to the deadline for publication of enrollment lists

An act to amend the election law, in relation to the alteration of election districts by the board of elections; and to repeal certain provisions of such law relating thereto

An act to amend the election law, in relation to the ability of the board to administratively set standards for the change of mailing address and in relation to requiring a candidate to provide the state board with depository information
Speaker Silver Announces Appointments To Assembly Leadership Positions

FOR IMMEDIATE RELEASE:
June 1, 2009

Chair, Committee on Election Law
Chair, Committee Libraries & Education Technology
Chair, Committee Oversight, Analysis & Investigation
Chair, Legislative Task Force on People with Disabilities
Chair, Legislative Task Force on New Americans
Chair, Legislative Task Force on University-Industry Cooperation
Chair, Legislative Task Force on Women's Issues
Vice-Chair, Legislative Commission on Solid Waste Management
Chair, Legislative Commission on State-Local Relations
Vice-Chair, Legislative Commission on Toxic Substances and Hazardous Waste
Chair, Subcommittee on Election Day Operations and Voter Disenfranchisement
Chair, Subcommittee on Export Trade
Chair, Subcommittee on Insurer Investments and Market Practices in Underserved Areas
Chair, Subcommittee on Mitchell-Lama
Chair, Subcommittee on Transitional Services
Chair, Subcommittee on Workplace Safety

Joan Millman
Barbara Lifton
Amy Paulin
Jonathan Bing
Alec Brook-Krasny
Dennis Gabryszak
Ellen Jaffee
Alan Maisel
Timothy Gordon
Michael Spano
Brian Kavanagh
Albert Stirpe
Janele Hyer-Spencer
Linda Rosenthal
Hakeem Jeffries
Rory Lancman

New York State Assembly
[ Welcome Page ] [ Press Releases]

http://assembly.state.ny.us/Press/20090601/

6/11/2009
FOR IMMEDIATE RELEASE:
June 3, 2009

Silver Outlines Proposal To Reform Ethics, Lobbying, Campaign Finance Laws
Assembly Hearing Tuesday, June 9 in Albany to Gather Input From Public, Experts

Committee Chair RoAnn Destito, Ethics Committee Chair William Magnarelli and Election Law Committee Chair Joan Millman - today announced an Assembly proposal for significant changes to the state's ethics, lobbying and campaign finance laws in order to increase transparency and accountability to the people of New York.

"Two years ago we took a major step forward by passing reforms that banned gifts from registered lobbyists, restricted former employees from lobbying government for two years and created stronger penalties for lobbying law violations," Silver (D-Manhattan) said today at a meeting with the governor and legislative leaders. "Today we are proposing a set of proposals to strengthen ethics and lobbying law enforcement, provide greater transparency and financial disclosure and reform New York's campaign finance laws."

Among the proposals Silver laid out at a public leaders meeting today was the restoration of the former Temporary Commission on Lobbying, which was merged into the Commission on Public Integrity (CPI) in 2007.

"There is near unanimous agreement that the Lobbying Commission was a strong, independent body that effectively policed lobbying activities in New York and we should restore it," Silver said.

Silver said the Assembly would also push for the creation of an executive oversight body comprised of appointees from the governor, attorney general and comptroller, focused exclusively on ethics. The appointees would select an executive director with a fixed term. "The creation of this oversight panel would help to ensure independence in any investigation of statewide office holders," Silver said.

Additionally, Silver said the Assembly seeks to replace the current Legislative Ethics Commission with an independent ethics panel based upon the recently formed Office of Congressional Ethics, which is charged with investigating complaints against members of the U.S. House of Representatives.

"This new entity would be an independent panel comprised of appointees from outside the Assembly; three appointments each would be made by the Assembly Majority and Minority conferences," Silver said. "It would have its own staff and be empowered to look into allegations of unethical behavior and misconduct. It is important that the public know that investigations will be conducted evenhandedly and without political considerations. We are looking for an independent body to help clean up New York's political arena."

http://assembly.state.ny.us/Press/20090603/
confident that the creation of an independent, bipartisan legislative ethics body will help us more effectively investigate complaints against Assembly members and staff."

Silver said the Assembly bill would require increased financial disclosure by all public officials by ending the practice of redacting categories of value on legislative ethics disclosure forms, adding an additional category of value to better identify higher level financial interests, and require better descriptions of outside employment including information about the subject matters undertaken with respect to law practice and detailed information about consulting arrangements.

Silver committed to again passing legislation - approved repeatedly by the Assembly - that would phase in public financing of legislative and statewide campaigns starting with the race for state comptroller in 2010. "By providing public financing options that are fair and accountable to taxpayers and voters, we can limit the amount of private fundraising involved in campaigning and increase competitiveness in legislative and statewide elections," Silver said.

Silver announced a public hearing to examine these and other various proposals to change the state's ethics laws, lobbying and campaign finance laws. The forum is scheduled for Tuesday, June 9 at 12:00 p.m. in the Legislative Office Building, Hamilton Hearing Room in Albany.

The hearing will be conducted by Assembly Committees on Governmental Operations, Ethics and Guidance and Elections Law and will provide a vital opportunity for public input on ethics reform.

The committees will study the proposals Silver announced today as well as the strengths and weaknesses of current ethics law and the impact of the 2007 merger of the state Ethics Commission and Temporary State Lobbying Commissions into the CPI. The hearing will also examine the recent proposal by Governor David Paterson to create an independent Government Ethics Commission that would have authority over all of state government, the lobbying industry and campaign finance laws.

*Click here to view Public Hearing Notice*
June 3, 2009

Steven H. Richman, Esq.
General Counsel
Board of Elections
32 Broadway
New York, New York 10004-1609

Dear Mr. Richman:

This refers to sixteen polling place changes and the deletion of a polling place for the City of New York in Brooklyn, Kings and New York Boroughs, New York, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973e. We received your submissions on April 9, 10, 27 and 30, 2009.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine these submissions if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41 and 51.43.

Sincerely,

[Signature]

Christopher Coates
Chief, Voting Section