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EXECUTIVE DIRECTOR

GEORGE GONZALEZ
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS
ADMINISTRATIVE MANAGER

BOARD OF ELECTIONS

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

AGENDA COMMISSIONERS' MEETING TUESDAY, JULY 14, 2009 AT 1:30 P.M.

1. Minutes
 - a) 06/09/09 – Meeting of the Finance Committee
 - b) 06/16/09 – Meeting of the Finance Committee
 - c) 06/16/09
 - d) 06/23/09
 - e) 06/30/09
2. Marcus Cederqvist
 - a) HAVA Update
 - Update on PVS Project
3. Steven Richman
 - a) State Legislative Update – Bill Nos. S552, S4244 and S1554
 - b) Gelb Implementing Resolution
 - c) Appointment of Cover Sheet Review Committees
 - d) Draft Filing Calendar for Independent Nominating Petitions
4. Beth Fossella
 - a) 2009 Information Notices
5. Rosanna Rahmouni
 - a) BMD Video
6. Valerie Vazquez-Rivera
 - a) BMD Learning Center Proposal
7. John Ward
 - a) Vacancy Report
 - b) Comparative Expenditures

8. Executive Session
 - a) Personnel

For Your Information

- NYS Board of Elections Weekly Status Report for the Week of 7/03/09 – 7/09/09
- HAVA Quarterly - Vol.4, No.3, June 2009
- E-mail from Anna E. Svizzero, Director of Election Operations, NYSBOE re: Non-pilot project software users
- Response from Governor's Counsel to BOE in NYC Comments on Proposed Revisions to SBOE Statewide Data Base Rules
- Letter to Sgt. Bisono, NYPD Elections Coordinator – Operations Unit
- New York State Assembly – Bill No. A01436 signed
- New York State Assembly – Bill No. A01001 signed
- City Board's Statement of Cost, May 2009
- Agenda, Election Law Committee – June 16, 2009
- Memorandum of Understanding by and between The Office of the City Clerk of the City of New York and The Board of Elections in the City of New York
- Department of Justice Pre-Clearance of Submissions Numbered 2009-K-03 & 10; 2009-BX-03
- Department of Justice Pre-Clearance of Submissions Numbered 2009-CW-02

News Items of Interest

- *New York Law Journal* – Bronx County Supreme Court, Rules for Special Election Matters Part

Comm Mty

Ach-Iten

Steven H. Richman

From: Legislative Secretary [Legislative.Secretary@chamber.state.ny.us]

Sent: Thursday, July 02, 2009 1:25 PM

To: 'James Malatras (james.malatras@oag.state.ny.us)'; Jamie elacqua (JElacqua@osc.state.ny.us); Kathleen Dillman (kdillman@osc.state.ny.us); Mary Ledbetter (mary.ledbetter@dos.state.ny.us); Matthew Tebo (matthew.tebo@dos.state.ny.us); Susan Watson (susan.watson@dos.state.ny.us); Shawn Marie Levine (cpnys@nycap.rr.com); Edna Ishayik (ednai@nydems.org); June F. O'Neill (juneo@nydems.org); Tony Scannapieco (anthony.scannapieco@putnamcountyny.com); Dan Levitan (dlevitan@workingfamiliesparty.org); George Gonzalez; Steven H. Richman; Valerie Vazquez; Matt Walter (mwalter@nygop.org)

Subject: S552

EXECUTIVE CHAMBER, Albany, New York

The aforementioned legislation has passed both houses of the Legislature and will shortly be before the Governor for executive action. Once the bill is sent to the Governor, it must be acted upon within 10 days.

As a result, we would appreciate the benefit of your analysis, comments and recommendations with respect to this proposal within five days of receipt of this request. In order to expedite receipt and consideration of your views, please make sure that your comment letter clearly sets forth the Senate and Assembly bill numbers. While the volume of correspondence concerning legislation precludes acknowledgment of every communication, please be assured that your comments will receive careful consideration.

Thank you for your cooperation.

Peter J. Kiernan
Counsel to the Governor

• Bill text can be found at: www.senate.state.ny.us or www.assembly.state.ny.us

• Please **email** comments as an attachment on letterhead and list the bill number located in the subject area of the email to: legislative.secretary@chamber.state.ny.us

**** This email address is strictly for your use and not to be circulated ****

Note: Please notify us immediately with any email changes.

If you have any questions, please call: 518 474-7182 (Ryan Dalton or Kristin Ross)



Monday, July 13, 2009

Summary - S00552

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[See Text](#)

S00552 Summary:

BILL NO S00552
 SAME AS Same as Uni. A 1559
 SPONSOR KRUGER
 COSPNSR
 MLTSPNSR
 Add S3-506, E1 L

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

S00552 Actions:

BILL NO S00552
 01/07/2009 REFERRED TO ELECTIONS
 03/10/2009 REPORTED AND COMMITTED TO FINANCE
 04/07/2009 1ST REPORT CAL.158
 04/20/2009 2ND REPORT CAL.
 04/21/2009 ADVANCED TO THIRD READING
 05/19/2009 PASSED SENATE
 05/19/2009 DELIVERED TO ASSEMBLY
 05/19/2009 referred to election law
 05/26/2009 substituted for a1559
 05/26/2009 ordered to third reading cal.507
 05/26/2009 passed assembly
 05/26/2009 returned to senate

S00552 Votes:

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

YEA/NAY: 116/027

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

S00552 Memo:

Contact Webmaster

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Monday, July 13, 2009

Text - A01559

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S T A T E O F N E W Y O R K

S. 552

A. 1559

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2009

IN SENATE -- Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

IN ASSEMBLY -- Introduced by M. of A. COLTON, BROOK-KRASNY, WEINSTEIN, MAISEL, J. RIVERA, CYMBROWITZ, P. RIVERA, HEVESI, JACOBS -- Multi-Sponsored by -- M. of A. AUBRY, DIAZ, JOHN, V. LOPEZ, PHEFFER, ROSENTHAL -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to providing Russian language voting materials

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The election law is amended by adding a new section 3-506
 2 to read as follows:
 3 S 3-506. BOARDS OF ELECTIONS; VOTING MATERIALS IN RUSSIAN. A BOARD OF
 4 ELECTIONS IN A CITY OF OVER ONE MILLION SHALL PROVIDE THE SAME INFORMA-
 5 TION IN RUSSIAN THAT IT PROVIDES IN LANGUAGES OTHER THAN ENGLISH ON ITS
 6 WEBSITE. IT SHALL ALSO PRODUCE AND DISSEMINATE CITYWIDE A BOOKLET THAT
 7 INCLUDES: (A) A VOTER REGISTRATION FORM IN ENGLISH WITH INSTRUCTIONS IN
 8 RUSSIAN; (B) INSTRUCTIONS IN RUSSIAN REGARDING THE CRITERIA AND APPLICA-
 9 TION PROCESS FOR OBTAINING AN ABSENTEE BALLOT; AND (C) A SECTION WITH
 10 GENERAL VOTER INFORMATION IN RUSSIAN INCLUDING FREQUENTLY ASKED QUES-
 11 TIONS. SUCH BOARD MAY INCLUDE OTHER LANGUAGES ON ITS WEBSITE AND IN SUCH
 12 BOOKLET.
 13 S 2. This act shall take effect on the first of January next succeed-
 14 ing the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD04303-02-9

Contact Webmaster

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DRAFT
COST ESTIMATES FOR STATE - ASSEMBLY BILL S.552

To Commissioners:

We've been asked to come up with a cost estimate for the following senate/assembly bill:

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The election law is amended by adding a new section 3-506
2 to read as follows:
3 S 3-506. BOARDS OF ELECTIONS; VOTING MATERIALS IN RUSSIAN. A BOARD OF
4 ELECTIONS IN A CITY OF OVER ONE MILLION SHALL PROVIDE THE SAME INFORMA-
5 TION IN RUSSIAN THAT IT PROVIDES IN LANGUAGES OTHER THAN ENGLISH ON ITS
6 WEBSITE. IT SHALL ALSO PRODUCE AND DISSEMINATE CITYWIDE A BOOKLET THAT
7 INCLUDES: (A) A VOTER REGISTRATION FORM IN ENGLISH WITH INSTRUCTIONS IN
8 RUSSIAN; (B) INSTRUCTIONS IN RUSSIAN REGARDING THE CRITERIA AND APPLICA-
9 TION PROCESS FOR OBTAINING AN ABSENTEE BALLOT; AND (C) A SECTION WITH
10 GENERAL VOTER INFORMATION IN RUSSIAN INCLUDING FREQUENTLY ASKED QUES-
11 TIONS. SUCH BOARD MAY INCLUDE OTHER LANGUAGES ON ITS WEBSITE AND IN SUCH
12 BOOKLET.
13 S 2. This act shall take effect on the first of January next succeed-
14 ing the date on which it shall have become a law.

WEBSITE

- Board of Elections Management Information Services (MIS) salary cost to update website with Russian language voter information - **\$6,000 to \$8,000**.
- Cost estimate of translation of voter material (text, audio, video) into Russian is as follows:
 - To translate all the documents currently on the website "Accessible Voting in the Fall 2008 Elections" and "The FAQs" and the document "Registration and Voting" (which includes a registration form with instructions in Russian) plus voiceovers for all videos currently on the website plus layover is **\$10,880**.
- Cost estimate is from Corporate Language Services (the vendor that handled the other language translations for the Board's website). Refer to the BOE's director of public relations for more information.
- Prices do include translation certification.

BOOKLET

Production

- Cost estimate of printing 50,000 of our "Registration and Voting" booklets that includes a voter registration form, in English, with the instructions in Russian. – **\$30,000 (rounded)**.
- Translation costs would be broken down as follows:
 - 22 pages of text and 2 pages for registration form: estimate 34 to 40 hours.**
 - Price: \$75/hour = \$2,550 to \$3,000**
 - Cost for test page - \$260 (3 day turnaround)**
- Estimates are from Vanguard (the vendor that prints most of our election related materials).
- Prices do include translation certification.

Distribution

- All materials downloadable from the Board of Elections Website at no cost to voter.
- Distribution of hard copies at street fairs, and voter registration drives throughout the year.
- Copies mailed to any New York City resident, voter and or organization who requests one.

TOTAL COST ESTIMATE

- **\$48,880**

Comm M TG

Action Item

Steven H. Richman

From: Legislative Secretary [Legislative.Secretary@chamber.state.ny.us]

Sent: Wednesday, July 08, 2009 11:01 AM

To: 'James Malatras (james.malatras@oag.state.ny.us)'; Jamie elacqua (JElacqua@osc.state.ny.us); Kathleen Dillman (kdillman@osc.state.ny.us); Mary Ledbetter (mary.ledbetter@dos.state.ny.us); Matthew Tebo (matthew.tebo@dos.state.ny.us); Susan Watson (susan.watson@dos.state.ny.us); Todd Valentine; Linda Ashline (lashline@cityhall.nyc.gov); Steve Williams (swilliams1@cityhall.nyc.gov); Shawn Marie Levine (cpnys@nycap.rr.com); Edna Ishayik (ednai@nydems.org); June F. O'Neill (juneo@nydems.org); Tony Scannapieco (anthony.scannapieco@putnamcountyny.com); Dan Levitan (dlevitan@workingfamiliesparty.org); George Gonzalez; Steven H. Richman; Valerie Vazquez; Matt Walter (mwalter@nygop.org)

Subject: s4244

EXECUTIVE CHAMBER, Albany, New York

The aforementioned legislation has passed both houses of the Legislature and will shortly be before the Governor for executive action. Once the bill is sent to the Governor, it must be acted upon within 10 days.

As a result, we would appreciate the benefit of your analysis, comments and recommendations with respect to this proposal within five days of receipt of this request. In order to expedite receipt and consideration of your views, please make sure that your comment letter clearly sets forth the Senate and Assembly bill numbers. While the volume of correspondence concerning legislation precludes acknowledgment of every communication, please be assured that your comments will receive careful consideration.

Thank you for your cooperation.

Peter J. Kiernan
Counsel to the Governor

-
- Bill text can be found at: www.senate.state.ny.us or www.assembly.state.ny.us
 - Please **email** comments as an attachment on letterhead and list the bill number located in the subject area of the email to: legislative.secretary@chamber.state.ny.us

**** This email address is strictly for your use and not to be circulated ****

Note: Please notify us immediately with any email changes.

If you have any questions, please call: 518 474-7182 (Ryan Dalton or Kristin Ross)



Wednesday, July 8, 2009

Summary - S04244

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S04244 Summary:

BILL NO S04244

SAME AS Same as A 2481-A

SPONSOR ADDABBO

COSPNSR

MLTSPNSR

Amd S4-117, E1 L

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

S04244 Actions:

BILL NO S04244

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

S04244 Votes:

BILL: S04244 DATE: 06/22/2009 MOTION: YEA/NAY: 130/000

Abbate Y Cahill Y Englebr Y Hooper Y Maisel Y Powell ER Skartad Y

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

S04244 Memo:

Contact Webmaster

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Thursday, July 9, 2009

Text - S04244

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S T A T E O F N E W Y O R K

4244

2009-2010 Regular Sessions

I N S E N A T E

April 20, 2009

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to checks of registrants and information notice by mail

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 4-117 of the election law, as
 2 amended by section 40 of chapter 659 of the laws of 1994, is amended to
 3 read as follows:
 4 1. The board of elections, [not less than sixty-five days nor more
 5 than seventy days before the day of the general election in] BETWEEN
 6 AUGUST FIRST AND AUGUST FIFTH OF each year, shall send by first class
 7 mail on which is endorsed "ADDRESS CORRECTION REQUESTED" and which
 8 contains a request that any such mail received for persons not residing
 9 at the address be dropped back in the mail, a communication, in a form
 10 approved by the state board of elections, to every registered voter who
 11 has been registered without a change of address since the beginning of
 12 such year, except that the board of elections shall not be required to
 13 send such communications to voters in inactive status. The communication
 14 shall notify the voter of the days and hours of the ensuing primary and
 15 general elections, the place where he appears by his registration
 16 records to be entitled to vote, the fact that voters who have moved or
 17 will have moved from the address where they were last registered must
 18 re-register or, that if such move was to another address in the same
 19 county or city, that such voter may either notify the board of elections
 20 of his new address or vote by paper ballot at the polling place for his
 21 new address even if such voter has not re-registered, or otherwise noti-
 22 fied the board of elections of the change of address. If the location of
 23 the polling place for the voter's election district has been moved, the
 24 communication shall contain the following legend in bold type: "YOUR
 25 POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....". The commu-

13

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD01584-04-9

S. 4244

2

1 nication shall also indicate whether the polling place is accessible to
2 physically disabled voters, that a voter who will be out of the city or
3 county on the day of the primary or general election or a voter who is
4 ill or physically disabled may obtain an absentee ballot, that a phys-
5 ically disabled voter whose polling place is not accessible may request
6 that his registration record be moved to an election district which has
7 a polling place which is accessible, the phone number to call for appli-
8 cations to move a registration record or for absentee ballot applica-
9 tions, the phone number to call for the location of registration and
10 polling places, the phone number to call to indicate that the voter is
11 willing to serve on election day as an election inspector, poll clerk,
12 interpreter or in other capacities, the phone number to call to obtain
13 an application for registration by mail, and such other information
14 concerning the elections or registration as the board may include. In
15 lieu of sending such communication to every registered voter, the board
16 of elections may send a single communication to a household containing
17 more than one registered voter, provided that the names of all such
18 voters appear as part of the address on such communication.
19 S 2. This act shall take effect immediately.

Contact Webmaster

Page display time = 0.0231 sec

Community
Action Item

Steven H. Richman

From: Legislative Secretary [Legislative.Secretary@chamber.state.ny.us]

Sent: Wednesday, July 08, 2009 11:04 AM

To: 'James Malatras (james.malatras@oag.state.ny.us)'; Jamie elacqua (JElacqua@osc.state.ny.us); Kathleen Dillman (kdillman@osc.state.ny.us); Mary Ledbetter (mary.ledbetter@dos.state.ny.us); Matthew Tebo (matthew.tebo@dos.state.ny.us); Susan Watson (susan.watson@dos.state.ny.us); Todd Valentine; Linda Ashline (lashline@cityhall.nyc.gov); Steve Williams (swilliams1@cityhall.nyc.gov); Chuck Lesnick (chuck.lesnick@cityofyonkers.com); Frank Rubino (counsel1@cityofyonkers.com); Rocky Richard (rocky.richard@cityofyonkers.com); Shawn Marie Levine (cpnys@nycap.rr.com); Edna Ishayik (ednai@nydems.org); June F. O'Neill (juneo@nydems.org); Tony Scannapieco (anthony.scannapieco@putnamcountyny.com); Dan Levitan (dlevitan@workingfamiliesparty.org); George Gonzalez; Steven H. Richman; Valerie Vazquez; Matt Walter (mwalter@nygop.org)

Subject: s1554

EXECUTIVE CHAMBER, Albany, New York

The aforementioned legislation has passed both houses of the Legislature and will shortly be before the Governor for executive action. Once the bill is sent to the Governor, it must be acted upon within 10 days.

As a result, we would appreciate the benefit of your analysis, comments and recommendations with respect to this proposal within five days of receipt of this request. In order to expedite receipt and consideration of your views, please make sure that your comment letter clearly sets forth the Senate and Assembly bill numbers. While the volume of correspondence concerning legislation precludes acknowledgment of every communication, please be assured that your comments will receive careful consideration.

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Peter J. Kiernan
Counsel to the Governor

-
- Bill text can be found at: www.senate.state.ny.us or www.assembly.state.ny.us
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Wednesday, July 8, 2009

Summary - S01554

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S01554 Summary:

BILL NO S01554

SAME AS Same as A 4962

SPONSOR DILAN

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

MLTSPNSR

Amd S9-209, El L

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

S01554 Actions:

BILL NO S01554

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

S01554 Votes:

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

YEA/NAY: 131/000

17

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

S01554 Memo:

Contact Webmaster

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Thursday, July 9, 2009

Text - S01554

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[See Summary](#)

STATE OF NEW YORK

1554

2009-2010 Regular Sessions

IN SENATE

February 2, 2009

Introduced by Sens. DILAN, ADDABBO, ADAMS, BRESLIN, DIAZ, HASSELL-THOMPSON, KRUEGER, ONORATO, PARKER, SAMPSON, SAVINO, SCHNEIDERMAN, SERRANO, STAVISKY, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to counting of affidavit ballots

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph a of subdivision 2 of section 9-209 of the
2 election law is amended by adding a new subparagraph 3 to read as
3 follows:

4 3. IF THE BOARD OF ELECTIONS DETERMINES THAT A PERSON WAS ENTITLED TO
5 VOTE AT SUCH ELECTION, THE BOARD SHALL CAST AND CANVASS SUCH BALLOT IF
6 SUCH BOARD FINDS THAT THE VOTER APPEARED AT THE CORRECT POLLING PLACE,
7 REGARDLESS OF THE FACT THAT THE VOTER MAY HAVE APPEARED IN THE INCORRECT
8 ELECTION DISTRICT.

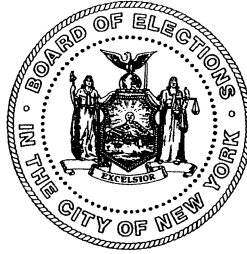
9 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD05005-02-9

Contact Webmaster

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ADMINISTRATIVE MANAGER

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

July 13, 2009

TO: The Commissioners of Elections

FROM: Steven H. Richman, General Counsel 

COPIES: Marcus Cederqvist, George Gonzalez, Pamela Perkins, John Owens, John O'Grady, Rosanna Rahmouni, Joel Bermejo, Giacomo Kmet, Christopher Manos, Diana Scopelliti, Steven Denkberg, & Charles Webb,

RE: **Draft Resolution Implementing the Anticipated 2009 Gelb Extender**

On July 9, 2009, the State Senate passed A. 6825 which extends the provisions of Chapter 92 of the Laws of 2001 for one additional year. On July 10, 2009, the bill was delivered to the Governor. This afternoon, the office of the Counsel to the Governor has advised me that this bill will be signed by the Governor in the next day or so. In fact, it may be signed by the time of your meeting tomorrow.

This legislation is the GELB extender. A copy of the bill is attached hereto. With the enactment of the bill, the Commissioners are authorized and empowered to make certain determinations as to the method of conducting this year's primary election.

Attached hereto is a slightly revised version of the Implementing Resolution you unanimously adopted for the last seven years. I recommend that you adopt the revised resolution, contingent upon the enactment of A. 6825 and

authorize the staff to insert the appropriate the Chapter number into the final version of the Resolution. .

Upon your approval of the revised resolution for this year's primary and enactment of the bill, we will distribute copies to appropriate Board staff to post at all BOE facilities.

Thank you for your cooperation, understanding and assistance in this matter.

Attachments

DRAFT

BOARD OF ELECTIONS IN THE CITY OF NEW YORK

RESOLUTION

Whereas, the Governor approved Assembly Bill A. 6825/
Senate Bill S. 5695 (2009 Regular Session) on July __ , 2009
as Chapter ___ of the Laws of 2009 and;

Whereas, Chapter ___ of the Laws of 2009 amends Chapter 92
of the Laws of 2001, which provides that the Commissioners of
The Board of Elections in the City of New York may take certain
actions;

Now, therefore, be it resolved by the Commissioners of the
Board of Elections in the City of New York (pursuant to the
provisions of Chapter 92 of the Laws of 2001 as amended by
Chapter ___ of the Laws of 2009) that:

1. For the September 15, 2009 Primary Election, The Board of
Elections in the City of New York deems it necessary, due to
reasons of ballot configuration and in order to efficiently
administer the election, the ballot in a primary election:
 - (a) shall provide a slot or device to permit voters to write-in
the name of an undesignated person with respect to
each contested nomination for public office; and
 - (b) shall provide a slot or device to permit voters to write-in
the name of an undesignated person with respect to only
such election for party position for which a valid petition
for an opportunity to ballot has been filed.
2. For all elections conducted in 2009 and 2010 by the Board
of Elections in the City of New York using mechanical lever
voting machines, the canvass of write-in votes cast on the
write-in roll of the voting machines shall be conducted at the
time of the recanvass conducted pursuant to Section 9-208
of the New York State Election Law.

*Resolution adopted unanimously by the Commissioners of the Board of
Elections in the City of New York on July _____, 2009.*



Monday, July 13, 2009

Summary - A06825

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

[See Text](#)

A06825 Summary:

BILL NO A06825

SAME AS Same as S 5695, S60424, S65023

SPONSOR Wright

COSPNSR

MLTSPNSR

Amd S3, Chap 92 of 2001

Extends certain provisions relating to the election ballot for an additional year, canvassing write-in votes.

A06825 Actions:

BILL NO A06825

03/12/2009 referred to election law
 06/10/2009 reported referred to rules
 06/15/2009 reported
 06/15/2009 rules report cal.240
 06/15/2009 ordered to third reading rules cal.240
 06/15/2009 passed assembly
 06/16/2009 delivered to senate
 06/15/2009 REFERRED TO RULES
 06/30/2009 SUBSTITUTED FOR S5695
 06/30/2009 3RD READING CAL.685
 06/30/2009 PASSED SENATE
 07/09/2009 VOTE RECONSIDERED - RESTORED TO THIRD READING
 07/09/2009 REPASSED SENATE
 07/09/2009 RETURNED TO ASSEMBLY
 07/10/2009 delivered to governor

A06825 Votes:

Comm 176
Act 176

BILL: A06825 DATE: 06/15/2009 MOTION:

YEA/NAY: 143/000

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

A06825 Memo:

BILL NUMBER:A6825

TITLE OF BILL: 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

PURPOSE/SUMMARY OF SPECIFIC PROVISIONS:

This bill extends for one year the provisions of chapter 92 of the laws of 2001.

That chapter added a new subdivision (3) to 7-114 of the Election Law empowering local boards of elections-when necessary for reasons of ballot configuration and efficient election administration-to provide write-in vote opportunities in elections for party positions only when a valid petition for an opportunity to ballot is filed.

Write-in vote opportunities must always be provided with respect to each contested nomination for public office. Section 2 of that chapter amended paragraph a of subdivision 2 of section 9-102 of the Election Law to allow local boards the option of canvassing write-in votes at the time of the recanvass.

JUSTIFICATION:

This bill extends for one year the provisions of chapter 92 of the laws of 2001.

PRIOR LEGISLATIVE HISTORY:

Chapter 92 of 2001 has been extended every year since 2001.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:
Immediately.

Contact Webmaster
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Friday, July 10, 2009

Text - A06825

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[See Summary](#)

S T A T E O F N E W Y O R K

6825

2009-2010 Regular Sessions

I N A S S E M B L Y

March 12, 2009

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Election Law

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 3 of chapter 92 of the laws of 2001, amending the
 2 election law relating to the election ballot and canvassing write-in
 3 votes, as amended by chapter 187 of the laws of 2008, is amended to read
 4 as follows:
 5 S 3. This act shall take effect immediately; provided, however, that
 6 the amendments to sections 7-114 and 9-102 of the election law made by
 7 sections one and two of this act shall expire and be deemed repealed [8]
 8 9 years after the effective date of this act when upon such date the
 9 provisions of such sections shall revert and be read as such provisions
 10 existed on the date immediately preceding the effective date of this
 11 act.
 12 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD10235-01-9

Contact Webmaster

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COMMISSIONERS

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PAMELA GREEN PERKINS
ADMINISTRATIVE MANAGER

STEVEN H. RICHMAN
GENERAL COUNSEL
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E-Mail:

srichman@boe.nyc.ny.us

July 13, 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

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:

DATE: _____ **REP. COMM.** _____ **DEM. COMM.** _____

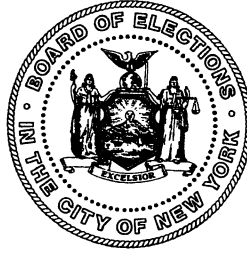
TUESDAY, JULY 14 _____
(immediately after the Commissioners' Mtg)

<u>DATE:</u>	<u>REP. COMM.</u>	<u>DEM. COMM.</u>
WEDNESDAY, JULY 15 (@ 4:30 PM)	_____	_____
THURSDAY, JULY 16 (@ 4:30 PM)	_____	_____
FRIDAY, JULY 17 (@ 4:00 PM)	_____	_____
MONDAY, JULY 20 (@ 4:30 PM)	_____	_____

In the unlikely event that there are no defects to be presented to the Committee for action, I will advise the Committee members by 1 PM that day of that fact.

I anticipate that additional committees will be need for the remainder of next week. At your meeting on July 21, 2009, another request, if needed will be submitted.

Thank you for your cooperation and assistance in this matter.



FREDERIC M. UMANE
PRESIDENT

JULIE DENT
SECRETARY

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srichman@boe.nyc.ny.us

July 13, 2009

TO: The Commissioners of Elections

FROM: Steven H. Richman, General Counsel 

COPIES: Marcus Cederqvist, George Gonzalez, Pamela Perkins, John Owens, Troy Johnson, Joel Bermejo, Giacomo Kmet, Christopher Manos, Diana Scopelliti, Steven Denkberg, & Charles Webb

RE: **DRAFT – 2009 INDEPENDENT NOMINATING PETITION FILING CALENDAR**

In anticipation of DOJ pre-clearance of the 2009 Independent Nominating Petition Rules, I am submitting for your approval the Draft – 2009 Independent Nominating Petitions Filing Calendar.

I recommend that you schedule your hearings on specifications of objections to Independent Nominating Petitions for **TUESDAY, SEPTEMBER 8, 2009** (the day after Labor Day and one week before the Primary Election) at 1:30 PM, prior to your Stated Meeting.

That gives the Borough Staff 6 working days (excluding weekends) to complete any Clerks' Reports on Specs filed on the last day. If necessary, there are five additional days (2 weekends and Labor Day) if necessary to complete their work and meet the 24 hour rule.

If you adopt the DRAFT CALENDAR, then it will be posted and distributed with the 2009 Independent Nominating Petition Rules upon receipt of DOJ's determination to grant pre-clearance.

Thank you for your attention to this matter.

Attachment

DRAFT – 7/7/09
CALENDAR FOR
INDEPENDENT NOMINATIONS FOR
NOVEMBER 3, 2009 GENERAL ELECTION

Adopted by the Board of Elections in the City of New York on July 2009

First day to circulate independent nominating petitionsJuly 7, 2009

DATES AND HOURS FOR FILING INDEPENDENT NOMINATING PETITIONS

Tuesday, August 11.....9 a.m. to 5 p.m.
 Wednesday, August 12.....9 a.m. to 5 p.m.
 Thursday, August 13.....9 a.m. to 5 p.m.
 Friday, August 14.....9 a.m. to 5 p.m.
 Monday, August 17.....9 a.m. to 5 p.m.
 Tuesday, August 18.....9 a.m. to MIDNIGHT

For Petitions Filed On:

General Objections Must Be Filed By:*

Tuesday, August 11	Friday, August 14
Wednesday, August 12	Monday, August 17
Thursday, August 13	Monday, August 17
Friday, August 14	Monday, August 17
Monday, August 17	Thursday, August 20
Tuesday, August 18	Friday, August 21

For General Objections Filed On:

Specifications Must Be Filed By:*

Friday, August 14	Thursday, August 20
Monday, August 17	Monday, August 24
Thursday, August 20	Wednesday, August 26
Friday, August 21	Thursday, August 27

Last day to file Certificate of Acceptance or Declination of Nomination.....Friday, August 21

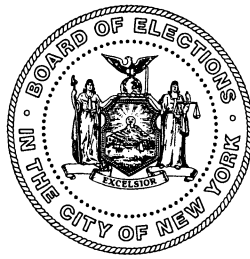
Last day to fill vacancy caused by declination of nomination.....Monday, August 24

Last day to institute court proceedings with regard to independent nominating petitions.....
Tuesday, September 1, 2009 or (3) three business days after hearing where petition is invalidated.

Last day to submit proof of service of Specifications.....Day after Specifications are filed

Board of Elections hearing on independent nominating petitions at Executive Offices,
 _____, **SEPTEMBER, 2008**, at **M** and continuing as needed at the Commissioners'
 Hearing Room, 42 Broadway, 6th Floor.

*Board of Elections will remain open until Midnight only if petition and/or objections are filed on specified filing dates. For information, call 212-487-5300.



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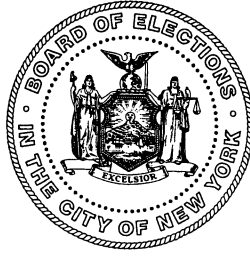
JOHN J. WARD
FINANCE OFFICER

DATE: July 07, 2009
TO: Commissioners

FROM: John Ward
Finance Officer.

RE: Vacancies

					Inc.	New.
1	Assistant General Counsel					\$75,000
2	Valerie Marshall	Adm. Asst.	N.Y.	Dem.	\$39,440	\$37,562
3	Robert Helenius	VMT	Bklyn	Rep .	\$27,818	\$26.493
4	Lisa Sattie	Adm. Asst.	S.I.	Dem.	\$39,440	\$37,562
5	Steve Morena	Clerk.	Qns	Rep.	\$27,111	\$25,820
6	Roselie DeDomenico	Clerk.	Qns	Dem.	\$27,111	\$25,820
7	Matthew FX Smith	Adm Assoc	Bklyn	Rep .	\$46,878	\$44.646



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ADMINISTRATIVE MANAGER

JOHN J. WARD
FINANCE OFFICER

DATE: July 14, 2009

TO: Commissioners

FROM: John J. Ward
Finance Officer

RE: Comparative Expenditures

FY09	P.S. Projection through 7/10/09 Payroll:	\$19,800,000
FY09	P.S. Actual through 7/10/09 Payroll:	<u>\$25,792,446</u>
	Difference	(\$ 5,992,446)

Overtime pays two weeks ending 6/26/09

OVERTIME USAGE

General Office	17,972
Brooklyn	16,678
Queens	12,203
Bronx	1,303
New York	1,134
Staten Island	<u>407</u>
Total	\$49,697

Respectfully submitted,

Finance Officer

F Y I



State of New York
STATE BOARD OF ELECTIONS

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Douglas A. Kellner
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Phone: 518/474-6367 Fax: 518/486-4546
website: www.elections.state.ny.us

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

July 10, 2009

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

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

Dear Judge Sharpe,

We enclose herewith Status Report of the Defendant New York State Board of Elections for the week ending July 9, 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 7/03/09-7/09/09

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

PLAN A

Overall Compliance Status Summary

Overall, activities and progress toward HAVA compliance are on schedule.

Contracting with Voting System Vendors

Status of tasks in this category: on schedule

- NYSBOE approved an increase to the SysTest contract cap. This was approved on June 15, 2009. The signed increase will be forthcoming.

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 :
 - SysTest is on schedule to start Run For Record on August10, 2009
 - Systest continues to participate in daily calls with NYSTEC and/or the vendors.
 - NYSTEC has provided a first draft of the Election Day Procedures.
 - The Public Voter Demonstration Testing Plan is being finalized. This public testing is scheduled to occur in Albany in late September and will continue for a period of 5 days.

Delivery and Implementation of Voting Systems & Devices

Status of tasks in this category: on schedule

- Acceptance testing and functional testing continue and are progressing.

HAVA COMPLAINT PROCESS

NYC HAVA Complaint

SBOE staff has made determination on how to proceed and are waiting for the next board meeting to obtain an approval for same.

F.Y.I.

HAVA QUARTERLY

VOL. 4, NO. 3

JUNE 2009

“Voting is the right from which all other rights spring.”

A Newsletter from Project HAVA at the Catskill Center for Independence

In this issue:

- NYS HAVA Update - 1
- As the Lever Turns... - 2
- Disability Awareness for Poll Workers - 2
- “The People’s Right” – 3
- Dear Access Abbie - 4
- Project HAVA News - 5

NYS HAVA Update: This, That and the Other Thing

HAVA Task Force

Recently the New York State Board of Elections (SBOE) had reconvened the HAVA Task Force to review and amend the state implementation plan (SIP). At the outset, a number of Task Force members sent a list of process requests to the State Board to ensure the plan, review meetings and other information were made available to the public. The HAVA Task Force met several times at the SBOE offices in Albany and the amended SIP has been sent to the federal Election Assistance Commission (EAC) for review. The last SIP developed by the SBOE was in 2003; some members of the earlier Task Force were also on this year’s roster. New York is supposed to provide an annually updated SIP to the federal government, but with the lag in passage of the initial legislation, the difficulties with machine choices and certification, as well as the lawsuit with the Department of Justice, the SIP review was delayed.

Machine Certification On Again

SysTest's accreditation has been reinstated by the EAC and New York’s voting system certification process is once again underway. The estimated completion of SysTest's machine testing will be in late 2009 after the Primary and General Election. Although the machines will not be fully certified for this year’s elections, we will see the use of the new systems in some areas of the state, hence the pilot program.

Pilot Program

Currently there is a plan for this year’s elections in which several counties will participate in a pilot project using paper ballots and optical scanners. Although this will happen before the entire certification is complete it is, according to NYS election law, legal and has been approved by the DOJ and the courts. Currently 45 counties in NY are participating in the pilot program, all of them outside of the greater metropolitan area. The counties are engaged at varying levels of participation; some have chosen to restrict the trial to a single election district and others are planning to run the pilot throughout the entire county. Although the pilot program has some civic and watchdog groups concerned about possible voter disenfranchisement, the SBOE has provided the counties with detailed guidelines and protocol so that accountability and uniformity will be maintained. To help with voter

education the SBOE is developing additional material for their voter information website:

www.vote-ny.com

Through use of radio and TV PSAs, voters will be directed to that website where they can view video instructions on how to use the new voting systems. The website should be updated soon allowing PSAs to start airing by late summer/early fall.

If all goes well with the pilot program, the court grants needed extensions, the DOJ is satisfied with the general progress and detailed plans for 2010 are developed, the primary phase of implementation should be complete by early next year.

Legislation

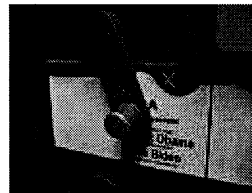
The SBOE has created a packet of proposed legislation sent to state lawmakers this spring to amend existing election law. Many of the items would clear up existing election law and more accurately reflect current election administration tasks and policies. Among the proposals is a polling site access bill that would give SBOE more authority in guiding the county boards in ADA compliance.

At the April SBOE Conference in Albany, members of the Assembly Election Law committee presented their versions of proposed legislation to election commissioners. Among the bills were half-day shifts for poll workers which would be enormously helpful to local BOEs by enlarging the pool of available workers and a stream-lined absentee ballot. Although the Assembly passed many legislative items useful to election administration, the current gridlock in the Senate has left these and other bills languishing on the chamber floor.

✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓

“As the Lever Turns...”

At last count, 17 counties in New York State along with a few other organizations have passed cookie cutter resolutions to keep the lever-style voting machines in use. The lever devotees have claimed New York is fully HAVA compliant with the advent of one BMD per polling site, sans scanner, and simply by repealing New York State’s Election Reform and Modernization Act (ERMA) 2005 re-



instatement of levers will be a done deal. However, at the last SBOE meeting it was made clear only a change to the federal Help America

Vote Act of 2002 could make the lever lovers’ dream come true. Will this dampen their ardor? Will they find solace in yet more county legislatures with little or no clue as to what their local BOEs actually do?

Tune in next time for more of...
“As the Lever Turns...”

✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓

Disability Awareness for Poll Workers

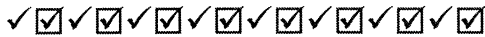
In an effort to aid election boards in educating their poll workers, Project HAVA has created a user-friendly manual to guide poll workers through basic disability awareness. The manual includes information on communication techniques, service animals, physical accessibility for polling sites and other requirements of HAVA.

As always, Project HAVA can provide an in-service training for poll workers on disability awareness, as

well as other trainings and materials pertaining to polling site accessibility and accommodations.

For more information call Helen Benlisa, Project HAVA Coordinator at 607-432-8000 or 1-888-NYS-HAVA (1-888-697-4282), or send an email to: nyshava@ccfi.us

We look forward to hearing from you!



Remember...



To view pertinent news articles, legal documents and all things HAVA in New York visit our website www.ccfi.us

You won't be disappointed!

Here's a little traveling music for the civically engaged set, an old-time "eTune" for the voting population!



"Election--The People's Right" (March 1801)
Written and Composed by John J. Hawkins

While some on rights and some on wrongs
Prefer their own reflections,
The People's right demand our songs
The Right of free Elections.

CHORUS [sung after each verse]
The People's right demand our songs
The Right of free Elections.

For Government and order's sake,
And Laws important sections,
We should support and pleasure take
In frequent Free Elections.

Our Agricult'ral int'rest, MARRS,
And Mercantile connections,
With Manufactures, Science, Arts,
Must thrive by free Elections.

To thwart the schemes of Factiduy bands,
Who for us plan subjections,
The cause of Liberty demands,
Our Votes in all Elections.

Should Enemies before us round,
Of foreign fierce complexions,
Undaunted we will stand our ground,
Upheld by free Elections.

We'll never from our duty swerve,
Let who will make objections,
But while we live, unchanged preserve,
The Freedom of Elections.





From the Desk of "Access Abbie"

Project HAVA's Accessibility Maven

Dear Access Abbie,

Now that we are moving towards an all paper ballot system we are looking at privacy booths for people to use when they mark their ballots. We realize some voters who use wheel chairs will be using a pen and not the BMD to mark their ballot. Are there specific measurements for these items and how many booths should we have?

Signed,

No Peeking in Peekskill

Dear No Peeking,

Regardless if you are using an existing table with a table-top privacy screen or stand alone units you need to keep in mind table/surface height, width and knee clearance to ensure adequate space for a wheel chair user's accommodation. Along with that, you must provide at least a 5' x 5' clear area in front of the table or unit for turning radius. The ADA Accessibility Guidelines measurements for table height/knee clearance are as follows:

Table surface height should be between 28" and 34" (this distance must be measured from the finish floor). Knee clearance should be 30" in width, at least 27" minimum in height (from finish floor to underside of table surface), and 19" in depth. (See Figure 1)

4

Another factor to be aware of is inclusion; be careful to avert the possibility of segregation when setting up your polling site interiors. In other words, don't set the accessible booths away from the others, just as you wouldn't place the lever machines (if you are using them) and BMDs in separate areas. A voter is a voter is a voter. There is no need to have separate *areas* for anything, only ensure each station has the appropriate accommodations for voters who might need them.

As for quantities, the number of accessible privacy booth units or table top screens will depend on the volume of voters. Each polling site should have at least one accessible voting booth. If a polling site houses several election districts you might want to have two or more accessible booths. Remember, too, voters using canes or walkers might like to sit when they fill out their ballots. Be sure to have a sturdy chair available to use. And as always, keep the path of travel (36" wide) free and clear of obstructions.

Yours in Access,

Abbie

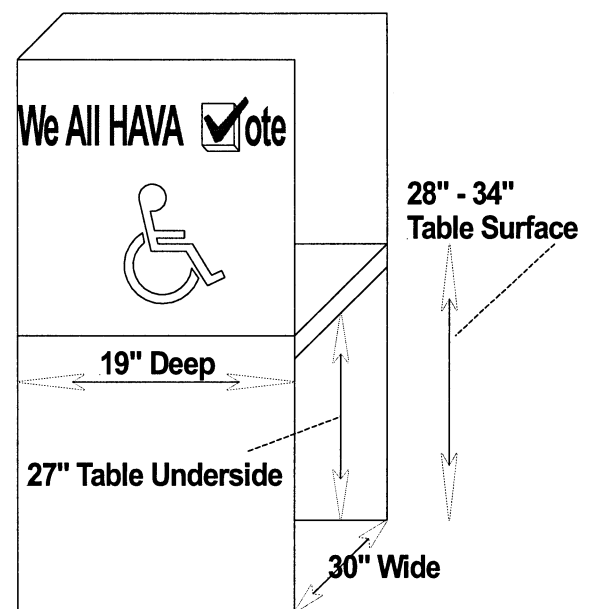


Fig. 1

Project HAVA News: Project VOTE Came to Town!

Project HAVA broke out the red, white and blue bling and welcomed a national team of Project VOTE trainers in May to conduct a two-day training on increasing voter education and involvement for the disability community. The goal was to get teams of voters with cognitive and visual disabilities ready to do trainings and outreach in their communities. Attendees represented SANYS, area ILCs, ARC along with the CQCAPD and our local Board of Elections.



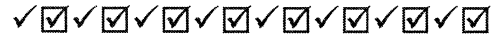
A good time was had by all!

Participants were each given a comprehensive voter education toolkit containing a thorough and very clearly designed curriculum of mix and match modules. This enables facilitators to custom-tailor trainings to suit the needs of their participants. The toolkit includes handouts, power point material, and a video about voting rights and responsibilities called "Go Vote!" Aside from its user friendly format the curriculum is particularly remarkable because it was created *before* HAVA was even passed!

If you would like to find out more about hosting a training, becoming a trainer, or you simply want some informational material contact Helen Benlisa, Project HAVA Coordinator at 1-888-NYS-HAVA (1-

888-697-4282) or 607-432-8000. Or send an email to nyshava@ccfi.us and write Project Vote Training in the subject line.

We look forward to hearing from you!!



Online Resources

Americans with Disabilities Act
Accessibility Guidelines (ADAAG):

www.access-board.gov/index.htm

ADA Polling site accessibility checklist:

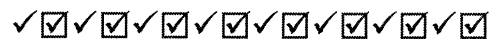
www.usdoj.gov/crt/ada/votingck.htm

American Federation for the Blind:

www.afb.org

United Spinal Association:

www.unitedspinal.org



**Injustice anywhere is a threat
to justice everywhere.**

Martin Luther King, Jr.

“The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls that imprison men because they are different from other men.” *Lyndon B. Johnson*

Project HAVA, administered by the Catskill Center for Independence, is a Protection and Advocacy for Voter Access (PAVA) grant program funded by the NYS CQCAPD which provides training and technical assistance in the areas of voter access and disability awareness for poll workers to Board of Elections in 52 counties in upstate New York. The Project also provides outreach and education about HAVA and its implementation in New York State to individuals, community agencies, schools and human services organizations.

Counties served by Project HAVA:

Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, and Yates.



Catskill Center for Independence

PO Box 1247 Oneonta, NY 13820

1-888-NYS-HAVA (1-888-697-4282) · V/TTY

607-432-8000 Phone 607-432-6907 · FAX

Visit us on the web at www.ccfi.us

E-mail us: nyshava@ccfi.us

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F.Y.I.

Marcus Cederqvist

From: ANNA SVIZZERO [ASVIZZERO@elections.state.ny.us]
Sent: Tuesday, June 30, 2009 12:50 PM
To: Pamela Perkins
Cc: George Gonzalez; Marcus Cederqvist
Subject: Non-pilot project software users

Pam,
Sorry I was unable to join you and other of our colleagues at the conference last week - that sort of opportunity for collegial conversation is always enlightening.

By way of information, at our recent Board meeting, our Commissioners approved the use of the 4/30 software drop, as originally approved by them at their May 12 meeting, by counties not participating in the State's OpScan pilot project. In your case, it means you may use the upgraded 4/30 version of the AutoMark software. I will have Bob Warren of my staff contact you, so that he can make arrangements with you for the delivery of this new software package. Please let me know if you would prefer that he contact Lucille Grimaldi or some other staff person, for this transfer.

I will have a copy of the Board's resolution scanned and sent to you. If you have any questions, please call at any time.

Thank you,
Anna

Anna E. Svizzero
Director of Election Operations
New York State Board of Elections
40 Steuben Street
Albany, New York 12207
phone 518-473-5086
fax 518-486-4546



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BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
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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 6, 2009

TO: The Commissioners of Elections

FROM: Steven H. Richman, General Counsel 

COPY: Marcus Cederqvist, George Gonzalez, Pamela Perkins, Steve Ferguson, John Owens, Charles Webb, Steven Denkberg & OGC Temporary Legal Staff
NEW YORK CITY LAW DEPARTMENT: Michael A. Cardozo, Eric Proshansky, Doris Bernhardt, & Michael Pastor

RE: Response from Governor's Counsel to BOE in NYC Comments on Proposed Revisions to SBOE Statewide Data Base Rules

Attached for your information and files is a copy of a letter dated July 1, 2009 from Peter J. Kiernan, Counsel to the Governor acknowledging receipt of the City Board's comments in opposition to the State Board of Elections Proposed Amendments to their Rules eliminating the bipartisan electronic signature requirement for the processing of voter registration matters by County Boards of Elections.

The City Board submitted its comments by letter dated June 18, 2009 and Mr. Kiernan received a copy of that letter.

Thank you for your attention to this matter.

Attachment



STATE OF NEW YORK

DAVID A. PATERSON
GOVERNOR

PETER J. KIERNAN
COUNSEL TO THE GOVERNOR

July 1, 2009

Steven H. Richman, Esq.
Board of Elections
The City of New York
Executive Office, 32 Broadway
New York, NY 10004

Dear Steve:

Thank you for your letter with respect to Proposed Amendments for the State Board Rules.

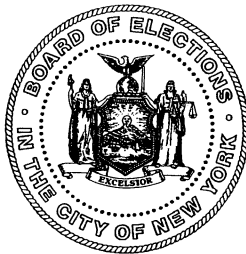
Your comments are helpful.

Very truly yours,

Peter J. Kiernan
Counsel to the Governor

RECEIVED
GENERAL COUNSEL
BD. OF ELECTIONS
IN THE CITY OF NEW YORK
2009 JUL -6 PM 5:58

F.Y.I.



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

VIA TELEFAX (646-610-4767) & EXPRESS MAIL

June 30, 2009

Sgt. Louis Bisono
Elections Coordinator - Operations Unit
New York City Police Department
One Police Plaza – Room 804A
New York, NY 10038

Dear Sgt. Bisono:

In accordance with past practice, the Board of Elections requests the following assistance from the Police Department of the City of New York on the dates indicated (which can be found in the enclosed calendar).

For the September 2009 Primary Election, **Thursday, July 16, 2009** is the last day to file designating petitions with the Board. Pursuant to the Election Law, the Board is required to be open until Midnight that day to receive designating petitions. The Board respectfully requests your assistance in assigning two Police Officers to maintain order on this last night to file petitions. The officers are needed from approximately 7:00 PM until shortly after the end of filing period, which is at midnight. In the past, one officer remained at the front counter of the Board's office at 32 Broadway, 7th Floor while the other officer was located in the lobby of 32 Broadway, each maintaining order in the respective locations.

Sgt. Louis Bisono, NYPD Operations Unit – June 30, 2009

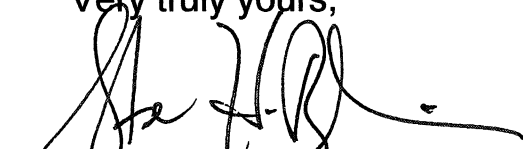
Beginning on **Monday, August 3, 2009** and continuing on **Tuesday, August 5, 2009** and possibly on **Wednesday, August 5, 2009**, the Commissioners of the Board of Elections in the City of New York will convene hearings on challenges to designating petitions of candidates seeking to appear on the ballot in the various party Primary Elections to be held on September 15, 2009 throughout the City of New York. The Board respectfully requests your assistance in assigning a Police Officer to maintain order at these hearings.

As set forth above, the hearings will begin on **Monday, August 3, 2009 at 10:00 AM in the Board's Hearing Room on the 6th Floor of 42 Broadway, Manhattan.** The specific hearing schedule for that week will be determined on Tuesday, July 28. Often these hearings continue for the full business day and occasionally continue into the early evening. I will provide you with a copy of the detailed hearing schedule when it is established by the Commissioners on July 28th.

I would deeply appreciate it if you would advise me of NYPD's ability to comply with these requests. If you can accommodate our requests, it would be most helpful if the officer(s) assigned to maintain order at the petition hearings would report a few minutes before the schedule start times so that I can brief the Officer on the Board's procedures for these hearings.

As always, I want to thank you in advance for your cooperation and assistance in this matter. With sincere best wishes, I am

Very truly yours,



STEVEN H. RICHMAN
General Counsel

Copy: *(with enclosure)*:

Lester Paverman, Esq., Legal Division, New York City Police Dept.
Detective Brett Plaplinger, Operations Unit, NYPD

Sgt. Louis Bisono, NYPD Operations Unit – June 30, 2009

Copy: *(without enclosure)*:

Commissioners of Elections in the City of New York
Marcus Cederqvist, Executive Director
George Gonzalaz, 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
Temporary Legal Staff, Office of the General Counsel

Enclosure

FYI



Thursday, July 9, 2009

Summary - A01436

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

[See Text](#)

A01436 Summary:

BILL NO A01436
 SAME AS Same as S 4378
 SPONSOR Wright
 COSPNSR
 MLTSPNSR
 Amd S6-134, E1 L

Provides that designating petitions and independent nominating petitions may not contain candidates for the same public office from different political subdivisions.

A01436 Actions:

BILL NO A01436

01/07/2009 referred to election law
 02/25/2009 reported
 02/26/2009 advanced to third reading cal.135
 03/02/2009 passed assembly
 03/02/2009 delivered to senate
 03/02/2009 REFERRED TO ELECTIONS
 05/05/2009 SUBSTITUTED FOR S4378
 05/05/2009 3RD READING CAL.236
 05/13/2009 PASSED SENATE
 05/13/2009 RETURNED TO ASSEMBLY
 06/12/2009 delivered to governor
 06/24/2009 signed chap.71



A01436 Votes:

BILL: A01436 DATE: 03/02/2009 MOTION: YEA/NAY: 127/000

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

A01436 Memo:

BILL NUMBER: A1436

TITLE OF BILL : An act to amend the election law, in relation to providing that designating petitions and independent nominating petitions may not contain candidates for the same public office from different political subdivisions

PURPOSE OR GENERAL IDEA OF BILL :

To provide that petitions may not contain the names of two or more candidates for the same public office for two or more different political subdivisions

SUMMARY OF SPECIFIC PROVISIONS : , This bill amends subdivision 1 of section 6-134 of the election law to prohibit the inclusion of different candidates for the same public office or party position in different political subdivisions in the same petition.

JUSTIFICATION : In the case of Popkin v Umane, 22 AD2d 613 (2nd Dept. 2005), the Appellate Division held that petitions which contained the names of different candidates for the same public office in different political subdivisions are valid. This holding could be interpreted to allow all candidates for all Assembly Districts in New York City to be included on the same petitions. The bill makes it clear that such petitions would be invalid.

PRIOR LEGISLATIVE HISTORY : 2007 - A.642 2006 - A.10998

FISCAL IMPLICATION : , None

EFFECTIVE DATE : , This act shall take effect immediately.



Thursday, July 9, 2009

Text - A01436

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[See Summary](#)

S T A T E O F N E W Y O R K

1436

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to providing that designating petitions and independent nominating petitions may not contain candidates for the same public office from different political subdivisions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 6-134 of the election law, as
 2 added by chapter 709 of the laws of 1996, is amended to read as follows:
 3 1. A designating petition may designate candidates for nomination for
 4 one or more DIFFERENT public offices or for nomination for election to
 5 one or more party positions or both, but designations or nominations for
 6 which the petitions are required to be filed in different offices OR
 7 PETITIONS FOR THE SAME PUBLIC OFFICE OR PARTY POSITION IN DIFFERENT
 8 POLITICAL SUBDIVISIONS may not be combined in the same petition. If two
 9 or more offices having the same title are to be filled for different
 10 terms, the terms of office shall be included as part of the title of the
 11 office.
 12 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD00268-01-9

Contact Webmaster

Page display time = 0.0176 sec



Wednesday, July 8, 2009

Summary - A01001

Back | New York State Bill Search | Assembly Home

See Text

A01001 Summary:

BILL NO A01001
SAME AS Same as S 2810
SPONSOR Paulin (MS)
COSPNSR Bradley, Galef, Espaillat, Fields, Greene, Kavanagh, Gordon
MLTSPNSR Colton, DelMonte, Dinowitz, Farrell, Glick, Gottfried, Lifton, Lupardo, Magnarelli, Mayersohn, McEneny, Pheffer, Sweeney

Amd SS8-400 & 8-506, El L

Authorizes the use of titles, initials or abbreviations of names as signatures on absentee ballots.

A01001 Actions:

BILL NO A01001
01/07/2009 referred to election law
02/25/2009 reported
02/26/2009 advanced to third reading cal.133
03/23/2009 substituted by s2810
S02810 AMEND= STEWART-COUSINS
03/03/2009 REFERRED TO ELECTIONS
03/10/2009 1ST REPORT CAL.102
03/11/2009 2ND REPORT CAL.
03/12/2009 ADVANCED TO THIRD READING
03/17/2009 PASSED SENATE
03/17/2009 DELIVERED TO ASSEMBLY
03/17/2009 referred to election law
03/23/2009 substituted for a1001
03/23/2009 ordered to third reading cal.133
03/23/2009 passed assembly
03/23/2009 returned to senate
05/14/2009 DELIVERED TO GOVERNOR
05/26/2009 SIGNED CHAP.40



05/26/2009 SIGNED CHAP.40

A01001 Votes:**A01001 Memo:**

BILL NUMBER: A1001

TITLE OF BILL : An act to amend the election law, in relation to use of certain titles, initials or abbreviations of names as signatures on absentee ballots

PURPOSE OR GENERAL IDEA OF BILL : To amend the election law so as to allow registered voters to validly sign their name in the same manner currently allowed on designating petitions.

SUMMARY OF SPECIFIC PROVISIONS : Section one amends section 8-400 of the election law by renumbering the current subdivisions 6, 7, 8 and 9 and adding a new subdivision 6 which provides that use of titles, initials or customary abbreviations of the given names of a signer or witness to an absentee ballot request letter, absentee ballot application or an absentee ballot envelope shall not invalidate such signatures or witness statement provided that the identity of the signer or witness can be established by reference to the signature on the absentee ballot request letter, the absentee ballot application form or the absentee ballot envelope and that of a person whose name appears in the registration poll ledgers.

Section two amends section 8-506 of the election law, as amended by chapter 8 of the laws of 1978, by adding that the permissive use of titles, initials or customary abbreviations of given names does not effect the validity of the signature on the ballot envelope with regard to the signature corresponding to the signature on the registration poll record.

Section three establishes the effective date as the first of January after the date upon which this bill shall have become law.

JUSTIFICATION : It is common for people to sign their own name in different ways, i.e.: with or without a middle initial. Currently, election law allows the use of titles, initials or customary abbreviations of given names by signers of, or witnesses to, a petition that designates a candidate for nomination of public office. As long as the identity of the signer or witness may be established by reference to the signature on the petition and to that of a person whose name appears on the registration poll ledgers a signature is valid. Customary abbreviations of addresses are, similarly, allowed and will not invalidate a signature on a petition. Therefore, allowing the use of titles, initials or customary abbreviations on an absentee ballot request letter, absentee ballot application form or absentee ballot envelope should be permitted and should not invalidate an absentee ballot if the identity of the signer or witness may be established by, similarly, referencing the signature on the request letter, application form or ballot and to that of a person whose name appears on the registration poll ledgers. The same standard used for signatures on petitions should apply to absentee ballots where a sworn statement must accompany the absentee ballot request letter.

Additionally, a challenge to a voter shall be allowed if the identity of the voter or witness can not be established by reference to any signature on the registration poll record, notwithstanding the permissive use of titles, initials or customary abbreviations of given names.

PRIOR LEGISLATIVE HISTORY : A1016, 2008 and 2007 advanced to third reading. A.10902-A, 2006 passed assembly. Same as A.7656-B, 2006 referred to elections committee.

FISCAL IMPLICATION : None.

EFFECTIVE DATE : On the first of January next succeeding the date upon which it shall have become a law.

Contact Webmaster

Page display time = 0.0248 sec



Wednesday, July 8, 2009

Text - A01001

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[See Summary](#)

S T A T E O F N E W Y O R K

1001

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PAULIN, BRADLEY, GALEF, ESPAILLAT, FIELDS, GREENE, KAVANAGH -- Multi-Sponsored by -- M. of A. COLTON, DelMONTE, DINOWITZ, GLICK, GOTTFRIED, LIFTON, LUPARDO, MAGNARELLI, MAYERSOHN, McENENY, PHEFFER, SWEENEY -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to use of certain titles, initials or abbreviations of names as signatures on absentee ballots

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 6, 7, 8 and 9 of section 8-400 of the election
2 law are renumbered subdivisions 7, 8, 9 and 10 and a new subdivision 6
3 is added to read as follows:

4 6. FOR PURPOSES OF THIS SECTION, THE USE OF TITLES, INITIALS OR
5 CUSTOMARY ABBREVIATIONS OF GIVEN NAMES BY THE SIGNERS OF, OR WITNESSES
6 TO, AN ABSENTEE BALLOT REQUEST LETTER, AN ABSENTEE BALLOT APPLICATION
7 FORM OR AN ABSENTEE BALLOT ENVELOPE, OR THE USE OF CUSTOMARY ABBREVI-
8 ATIONS OF ADDRESSES OF SUCH SIGNERS OR WITNESSES, SHALL NOT INVALIDATE
9 SUCH VOTER'S SIGNATURE OR WITNESS'S SIGNATURE ON AN APPLICATION FOR AN
10 ABSENTEE BALLOT OR UPON CANVASS OR RECANVASS OF THE BALLOT PURSUANT TO
11 THIS CHAPTER.

12 S 2. Subdivision 1 of section 8-506 of the election law, as amended by
13 chapter 8 of the laws of 1978, is amended to read as follows:

14 1. During the examination of absentee, military, special federal and
15 special presidential voters' ballot envelopes, any inspector shall, and
16 any watcher or registered voter properly in the polling place may, chal-
17 lenge the casting of any ballot upon the ground or grounds allowed for
18 challenges generally, or (A) that the voter was not entitled to cast an
19 absentee, military, special federal or special presidential ballot, or
20 (B) that NOTWITHSTANDING THE PERMISSIVE USE OF TITLES, INITIALS OR

21 CUSTOMARY ABBREVIATIONS OF GIVEN NAMES, the signature on the ballot

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00465-01-9

A. 1001

2

1 envelope does not correspond to the signature on the registration poll
2 record, or (C) that the voter died before the day of the election.
3 S 3. This act shall take effect on the first of January next succeed-
4 ing the date on which it shall have become a law.

Contact Webmaster

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Community
FYI

Steven H. Richman

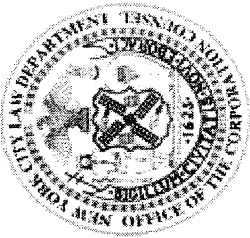
From: Majerus, Kenneth [kmajerus@law.nyc.gov]
Sent: Wednesday, July 08, 2009 8:18 AM
To: Marcus Cederqvist; Steven H. Richman
Subject: STATEMENT OF COST, MAY 2009

Attached is your agency's statement for May 2009. We have arranged the cases by division to assist you in identifying the matters. We have included all or part of both the plaintiff and defendant names, also to help identify the matters. Included is a running total of each division's hours. This is located after the last matter for each division.

As before, if you see a case you believe is erroneously attributed to your agency, please let me know.

Thank you.

Ken Majerus
Chief of Operations
City of New York Law Department
100 Church Street
New York, NY 10007
(212) 788-0373
(212) 788-0386 - fax
kmajerus@law.nyc.gov



Date: 6/29/2009

Summary Charges to BOARD OF ELECTIONS

for May 1, 2009 - May 31, 2009

Number of Matters	10					
Total Attorney Hours	83.75			Attorney Hours YTD		1179.5
Total Attorney Charges	\$11,603.11			Attorney Charges YTD		\$161,404.84
Total Disbursement	\$0.00			Disbursement YTD		\$1,807.93
Total Workers' Compensation Administrative Cost	\$414.00	for	20	claims	WC Admin Cost YTD	\$4,485.00
Tort - Labor Attribution Summary	\$0.00				Tort Labor Costs YTD	\$0.00
Grand Total	\$12,017.11				Grand Total YTD	\$167,697.77

Total Workers' Compensation Actual Expenditure	\$18,784.00			Workers' Comp Actual Expenditure YTD *	\$177,793.00
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YTD = July 1, 2008 to Present

* = WC Actual Expenditure July 1, 2008 to Present

Monday, June 29, 2009

Appendix A

Matters Detail BOARD OF ELECTIONS

for May 1, 2009 - May 31, 2009

Caption	Matter Number	Date	Staff	Hour Rate	Description	Amount
Affirmative Litigation						
CITY OF NEW YORK VS NEW YORK STATE BOARD OF ELECTIONS	2009009787	5/4/2009	BERNHARDT, DORIS	1.50	\$125.84 Correspondence	\$188.76
CITY OF NEW YORK VS NEW YORK STATE BOARD OF ELECTIONS	2009009787	5/5/2009	BERNHARDT, DORIS	3.50	\$125.84 EBT/Hearing/Deposition	\$440.45
CITY OF NEW YORK VS NEW YORK STATE BOARD OF ELECTIONS	2009009787	5/6/2009	BERNHARDT, DORIS	2.00	\$125.84 Research	\$251.69
CITY OF NEW YORK VS NEW YORK STATE BOARD OF ELECTIONS	2009009787	5/7/2009	BERNHARDT, DORIS	1.00	\$125.84 Research	\$125.84
CITY OF NEW YORK VS NEW YORK STATE BOARD OF ELECTIONS	2009009787	5/13/2009	BERNHARDT, DORIS	0.50	\$125.84 Telephone Conversation	\$62.92
CITY OF NEW YORK VS NEW YORK STATE BOARD OF ELECTIONS	2009009787	5/14/2009	BERNHARDT, DORIS	1.00	\$125.84 Correspondence	\$125.84
CITY OF NEW YORK VS NEW YORK STATE BOARD OF ELECTIONS	2009009787	5/20/2009	BERNHARDT, DORIS	0.50	\$125.84 Correspondence	\$62.92
CITY OF NEW YORK VS NEW YORK STATE BOARD OF ELECTIONS	2009009787	5/28/2009	BERNHARDT, DORIS	2.00	\$125.84 Correspondence	\$251.69
CITY OF NEW YORK VS NEW YORK STATE BOARD OF ELECTIONS	2009009787	5/29/2009	BERNHARDT, DORIS	2.50	\$125.84 Correspondence	\$314.61
				Total Hours:	14.50	
Case Attorney Total YTD:		\$5,501.09		Case Attorney Total:		\$1,824.72
Disbursement YTD:		\$0.00		Disbursement Total:		\$0.00
Matter Total YTD:		\$5,501.09		Matter Total:		\$1,824.72
				Total Hours:	14.50	
Division Attorney Total YTD:		\$5,501.09		Division Attorney Total:		\$1,824.72
Disbursement YTD:		\$0.00		Disbursement Total:		\$0.00
Matter Total YTD:		\$5,501.09		Matter Total:		\$1,824.72

Appendix A

<i>Caption</i>	<i>Matter Number</i>	<i>Date</i>	<i>Staff</i>	<i>Hour Rate</i>	<i>Description</i>	<i>Amount</i>
Appeals						
COLLINS, MELODY VS ELECTIONS, BOARD OF	2008038245	5/27/2009	DOLGOW , PAMELA	0.50	\$148.51 File Review	\$74.26
COLLINS, MELODY VS ELECTIONS, BOARD OF	2008038245	5/28/2009	DOLGOW , PAMELA	0.25	\$148.51 Correspondence	\$37.13
COLLINS, MELODY VS ELECTIONS, BOARD OF	2008038245	5/28/2009	DOLGOW , PAMELA	2.25	\$148.51 File Review	\$334.16
COLLINS, MELODY VS ELECTIONS, BOARD OF	2008038245	5/28/2009	DOLGOW , PAMELA	0.50	\$148.51 Research	\$74.26
COLLINS, MELODY VS ELECTIONS, BOARD OF	2008038245	5/28/2009	DOLGOW , PAMELA	0.25	\$148.51 Telephone Conversation	\$37.13
COLLINS, MELODY VS ELECTIONS, BOARD OF	2008038245	5/28/2009	DOLGOW , PAMELA	0.25	\$148.51 Telephone Conversation	\$37.13
COLLINS, MELODY VS ELECTIONS, BOARD OF	2008038245	5/29/2009	DOLGOW , PAMELA	0.50	\$148.51 Motion Practice	\$74.26
				Total Hours:	4.50	
			Case Attorney Total YTD:	\$668.31	Case Attorney Total:	\$668.31
			Disbursement YTD:	\$0.00	Disbursement Total:	\$0.00
			Matter Total YTD:	\$668.31	Matter Total:	\$668.31
MASLOW, LORI S., ET AL., VS WILSON, LLOYD, ET AL.	2006003035	5/12/2009	NATRELLA , ELIZABETH	6.00	\$142.01 Case Review	\$852.08
MASLOW, LORI S., ET AL., VS WILSON, LLOYD, ET AL.	2006003035	5/13/2009	NATRELLA , ELIZABETH	5.00	\$142.01 Case Review	\$710.07
MASLOW, LORI S., ET AL., VS WILSON, LLOYD, ET AL.	2006003035	5/15/2009	NATRELLA , ELIZABETH	5.00	\$142.01 Case Review	\$710.07
MASLOW, LORI S., ET AL., VS WILSON, LLOYD, ET AL.	2006003035	5/15/2009	NATRELLA , ELIZABETH	2.50	\$142.01 Conference	\$355.03
MASLOW, LORI S., ET AL., VS WILSON, LLOYD, ET AL.	2006003035	5/18/2009	NATRELLA , ELIZABETH	4.50	\$142.01 Case Review	\$639.06
MASLOW, LORI S., ET AL., VS WILSON, LLOYD, ET AL.	2006003035	5/18/2009	NATRELLA , ELIZABETH	0.50	\$142.01 Conference	\$71.01
MASLOW, LORI S., ET AL., VS WILSON, LLOYD, ET AL.	2006003035	5/19/2009	NATRELLA , ELIZABETH	5.00	\$142.01 Case Review	\$710.07
MASLOW, LORI S., ET AL., VS WILSON, LLOYD, ET AL.	2006003035	5/19/2009	NATRELLA , ELIZABETH	0.50	\$142.01 Communication With Others	\$71.01

Appendix A

MASLOW, LORI S., ET AL., VS WILSON, LLOYD, 2006003035 5/19/2009 NATRELLA, ELIZABETH 2.50 \$142.01 Oral Argument \$355.03
 ET AL.

Total Hours: 31.50
Case Attorney Total YTD: \$21,175.00 **Case Attorney Total:** \$4,473.44
Disbursement YTD: \$0.00 **Disbursement Total:** \$0.00
Matter Total YTD: \$21,175.00 **Matter Total:** \$4,473.44

POSR, POSR A vs NYC BOARD OF ELECTIONS 04AP311460 5/20/2009 HART, EDWARD 3.00 \$158.39 Case Review \$475.17

Total Hours: 3.00
Case Attorney Total YTD: \$475.17 **Case Attorney Total:** \$475.17
Disbursement YTD: \$0.00 **Disbursement Total:** \$0.00
Matter Total YTD: \$475.17 **Matter Total:** \$475.17

Total Hours: 39.00
Division Attorney Total YTD: \$60,463.48 **Division Attorney Total:** \$5,616.92
Disbursement YTD: \$0.00 **Disbursement Total:** \$0.00
Matter Total YTD: \$60,463.48 **Matter Total:** \$5,616.92

<i>Caption</i>	<i>Matter Number</i>	<i>Date</i>	<i>Staff</i>	<i>Hour Rate</i>	<i>Description</i>	<i>Amount</i>
Contracts and Real Estate						
CONT & RE ADM TIME-BD OF EL	04CR900036	5/19/2009	COHEN, ANDREA	0.50	Counseling/Opinion/Memo	\$72.92
CONT & RE ADM TIME-BD OF EL	04CR900036	5/19/2009	COHEN, ANDREA	1.75	Research	\$255.21
CONT & RE ADM TIME-BD OF EL	04CR900036	5/20/2009	COHEN, ANDREA	0.50	Counseling/Opinion/Memo	\$72.92
CONT & RE ADM TIME-BD OF EL	04CR900036	5/21/2009	COHEN, ANDREA	0.50	Counseling/Opinion/Memo	\$72.92
CONT & RE ADM TIME-BD OF EL	04CR900036	5/22/2009	COHEN, ANDREA	0.25	Counseling/Opinion/Memo	\$36.46

Appendix A

CONT & RE ADM TIME-BD OF EL 04CR900036 5/27/2009 COHEN, ANDREA 0.50 \$145.83 Counseling/Opinion/Memo \$72.92

Total Hours: 4.00

Case Attorney Total YTD: \$3,089.33 **Case Attorney Total:** \$583.33
Disbursement YTD: \$0.00 **Disbursement Total:** \$0.00
Matter Total YTD: \$3,089.33 **Matter Total:** \$583.33

Total Hours: 4.00

Division Attorney Total YTD: \$3,089.33 **Division Attorney Total:** \$583.33
Disbursement YTD: \$0.00 **Disbursement Total:** \$0.00
Matter Total YTD: \$3,089.33 **Matter Total:** \$583.33

Caption Matter Number Date Staff Hour Rate Description Amount

General Litigation

CHINATOWN VOTE ED. ALL., ET AL vs RAVITZ, JOHN, ET AL.	06GL000031	5/20/2009	KITZINGER, STEPHEN	0.50	\$147.76	Communication with Client	\$73.88
CHINATOWN VOTE ED. ALL., ET AL vs RAVITZ, JOHN, ET AL.	06GL000031	5/20/2009	KITZINGER, STEPHEN	1.00	\$147.76	Intra Office Conf/Communicatn	\$147.76
CHINATOWN VOTE ED. ALL., ET AL vs RAVITZ, JOHN, ET AL.	06GL000031	5/21/2009	KITZINGER, STEPHEN	1.00	\$147.76	Communication with Client	\$147.76
CHINATOWN VOTE ED. ALL., ET AL vs RAVITZ, JOHN, ET AL.	06GL000031	5/26/2009	KITZINGER, STEPHEN	1.00	\$147.76	Communication with Client	\$147.76

Total Hours: 3.50

Case Attorney Total YTD: \$1,920.56 **Case Attorney Total:** \$517.17
Disbursement YTD: \$111.50 **Disbursement Total:** \$0.00
Matter Total YTD: \$2,032.06 **Matter Total:** \$517.17

GEN LIT ADM TIME - ELECTIONS, BOARD OF VS	04GL900014	5/4/2009	KITZINGER, STEPHEN	0.50	\$147.76	Intra Office Conf/Communicatn	\$73.88
GEN LIT ADM TIME - ELECTIONS, BOARD OF VS	04GL900014	5/19/2009	KITZINGER, STEPHEN	1.00	\$147.76	Intra Office Conf/Communicatn	\$147.76

Appendix A

GEN LIT ADM TIME - ELECTIONS, BOARD OF vs	04GL900014	5/20/2009	KITZINGER, STEPHEN	0.50	\$147.76	Intra Office Conf/Communicatn	\$73.88
GEN LIT ADM TIME - ELECTIONS, BOARD OF vs	04GL900014	5/21/2009	KITZINGER, STEPHEN	0.50	\$147.76	Intra Office Conf/Communicatn	\$73.88
GEN LIT ADM TIME - ELECTIONS, BOARD OF vs	04GL900014	5/22/2009	KITZINGER, STEPHEN	0.50	\$147.76	Communication with Client	\$73.88
GEN LIT ADM TIME - ELECTIONS, BOARD OF vs	04GL900014	5/28/2009	KITZINGER, STEPHEN	0.50	\$147.76	Intra Office Conf/Communicatn	\$73.88
GEN LIT ADM TIME - ELECTIONS, BOARD OF vs	04GL900014	5/28/2009	KITZINGER, STEPHEN	0.75	\$147.76	Telephone Conversation	\$110.82

Total Hours: 4.25

Case Attorney Total YTD: \$14,251.97 **Case Attorney Total:** \$627.99
Disbursement YTD: \$0.00 **Disbursement Total:** \$0.00
Matter Total YTD: \$14,251.97 **Matter Total:** \$627.99

MASLOW, LORI S., ET AL., VS WILSON, LLOYD, ET AL.	2006003035	5/18/2009	KITZINGER, STEPHEN	1.50	\$147.76	Intra Office Conf/Communicatn	\$221.64
MASLOW, LORI S., ET AL., VS WILSON, LLOYD, ET AL.	2006003035	5/19/2009	KITZINGER, STEPHEN	2.50	\$147.76	Court Appearance	\$369.40

Total Hours: 4.00

Case Attorney Total YTD: \$1,442.68 **Case Attorney Total:** \$591.05
Disbursement YTD: \$0.00 **Disbursement Total:** \$0.00
Matter Total YTD: \$1,442.68 **Matter Total:** \$591.05

MCMILLAN, JIMMY VS BOARD OF ELECTIONS, NYC	2008034132	5/7/2009	KITZINGER, STEPHEN	2.00	\$147.76	Brief/Motion	\$295.52
MCMILLAN, JIMMY VS BOARD OF ELECTIONS, NYC	2008034132	5/7/2009	KITZINGER, STEPHEN	0.50	\$147.76	Communication with Client	\$73.88
MCMILLAN, JIMMY VS BOARD OF ELECTIONS, NYC	2008034132	5/8/2009	KITZINGER, STEPHEN	2.00	\$147.76	Brief/Motion	\$295.52
MCMILLAN, JIMMY VS BOARD OF ELECTIONS, NYC	2008034132	5/8/2009	KITZINGER, STEPHEN	0.50	\$147.76	Communication with Client	\$73.88

Appendix A

		Total Hours: 5.00					
Case Attorney Total YTD:		\$738.81		Case Attorney Total:	\$738.81		
Disbursement YTD:		\$0.00		Disbursement Total:	\$0.00		
Matter Total YTD:		\$738.81		Matter Total:	\$738.81		
REYNOLDS, JAMES J. VS QUEENS COUNTY BOARD OF ELECTIONS, ET AL.	2008031296	5/13/2009	RAUCHBERG, ANDREW	1.00	\$113.03	Review of Documents	\$113.03
REYNOLDS, JAMES J. VS QUEENS COUNTY BOARD OF ELECTIONS, ET AL.	2008031296	5/14/2009	RAUCHBERG, ANDREW	1.00	\$113.03	Review of Documents	\$113.03
REYNOLDS, JAMES J. VS QUEENS COUNTY BOARD OF ELECTIONS, ET AL.	2008031296	5/15/2009	RAUCHBERG, ANDREW	3.00	\$113.03	Case Review	\$339.09
REYNOLDS, JAMES J. VS QUEENS COUNTY BOARD OF ELECTIONS, ET AL.	2008031296	5/18/2009	RAUCHBERG, ANDREW	1.50	\$113.03	Court Appearance	\$169.55
REYNOLDS, JAMES J. VS QUEENS COUNTY BOARD OF ELECTIONS, ET AL.	2008031296	5/18/2009	RAUCHBERG, ANDREW	2.00	\$113.03	Travel Time	\$226.06
		Total Hours: 8.50					
Case Attorney Total YTD:		\$4,195.50		Case Attorney Total:	\$960.76		
Disbursement YTD:		\$0.00		Disbursement Total:	\$0.00		
Matter Total YTD:		\$4,195.50		Matter Total:	\$960.76		

		Total Hours: 25.25			
Division Attorney Total YTD:		\$84,105.32		Division Attorney Total:	\$3,435.77
Disbursement YTD:		\$604.50		Disbursement Total:	\$0.00
Matter Total YTD:		\$84,709.82		Matter Total:	\$3,435.77

Caption	Matter Number	Date	Staff	Hour Rate	Description	Amount	
Labor And Employment Law							
MARSHALL, VALORIE VS ELECTIONS, BOARD OF	06LE000078	5/26/2009	CARBERRY, ANDREZ	0.50	\$121.57	Administrative Tasks	\$60.78
MARSHALL, VALORIE VS ELECTIONS, BOARD OF	06LE000078	5/26/2009	ROSENBAUM, BRUCE	0.50	\$163.17	Supervision/Management	\$81.59

Appendix A

	Total Hours:	1.00	
<i>Case Attorney Total YTD:</i>	\$223.96		<i>Case Attorney Total:</i> \$142.37
<i>Disbursement YTD:</i>	\$0.00		<i>Disbursement Total:</i> \$0.00
<i>Matter Total YTD:</i>	\$223.96		<i>Matter Total:</i> \$142.37
	Total Hours:	1.00	
<i>Division Attorney Total YTD:</i>	\$6,061.60		<i>Division Attorney Total:</i> \$142.37
<i>Disbursement YTD:</i>	\$0.00		<i>Disbursement Total:</i> \$0.00
<i>Matter Total YTD:</i>	\$6,061.60		<i>Matter Total:</i> \$142.37
<i>Agency Attorney Total YTD:</i>	\$161,404.84		<i>Agency Total Attorney Dollars:</i> \$11,603.11
<i>Disbursement YTD:</i>	\$1,807.93		<i>Total Disbursement:</i> \$0.00
<i>Matter Total YTD:</i>	\$163,212.77		<i>Grand Matter Total:</i> \$11,603.11

TUESDAY, JUNE 16, 2009

Com mtg
Fy 7

OFF THE FLOOR--ELECTION LAW (MILLMAN)

Assembly Print:

8902

SILVER, MILLMAN, CARROZZA, WRIGHT, WEINSTEIN, GOTTFRIED, ESPAILLAT,
PEOPLES--

An act to amend the election law, in relation to enacting the "2010 Campaign Finance Reform Act"; to amend the election law, the state finance law and the tax law, in relation to providing for optional partial public financing of certain election campaigns in this state; and to amend the election law, in relation to identification of the source of certain political communications

RECEIVED
GENERAL COUNSEL
BO. OF ELECTIONS
IN THE CITY OF NEW YORK
2009 JUN 18 PM 2:48

FYI

MEMORANDUM OF UNDERSTANDING

by and between

THE OFFICE OF THE CITY CLERK OF THE CITY OF NEW YORK

and

THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK

This Memorandum of Understanding ("MOU") is entered into as of July 8, 2009 ("Effective Date"), between the Office of the City Clerk of the City of New York ("City Clerk"), having its principal office located at 141 Worth Street, New York, New York 10013, and the Board of Elections in the City of New York (BOE"), having its principal office located at 32 Broadway, 7th Floor, New York, New York 10004.

WITNESSETH

WHEREAS, on June 24, 2009 the City Clerk received a petition (the "Petition") to place a referendum on the ballot mandating the creation and funding of a independent commission with subpoena powers to investigate the events of September 11, 2001 and issue a report;

WHEREAS, pursuant to Sections 37(5) and 24 of the Municipal Home Rule Law, the City Clerk must examine the Petition and certify to the City Council by July 24, 2009 whether or not such Petition complies or does not comply with all the requirements of law;

WHEREAS, BOE has the manpower to expeditiously and efficiently review the Petition in accordance with the Instructions for Reviewing Petitions (appended hereto);

WHEREAS, the City Clerk desires BOE's assistance in this effort
and

WHEREAS, both parties wish to embody their entire understanding in this MOU.

NOW THEREFORE, by signing below, the parties agree, in consideration of the mutual promises set forth below in this MOU, for other good and valuable consideration, the sufficiency of which is hereby acknowledged, as follows:.

1. BOE's Obligations.

- (a) Review the signatures on the Petition (limited to all signatures on first page only of each three-page insert in all fifty-two volumes) in accordance with the approved "Instructions for Reviewing Petitions" attached hereto as Appendix A.
- (b) Provide a copy of the BOE's staff findings together with a written summary to the City Clerk, as soon as possible but no later than July 20 2009 including the BOE's finding with respect to each signature reviewed in accordance with the above-referenced "Instructions for Reviewing Petitions".

(c) Confirm in writing no later than July 20 2009 to the extent practicable, whether or not each subscribing witness on the list provided by the City Clerk pursuant to Section 2(b) hereof is registered to vote in his or her respective jurisdiction. The Board of Elections will use its best efforts to secure the cooperation and assistance of other Boards of Elections within the State of New York.

2. City Clerk's Obligations.

- (a) Deliver two copies of each volume to the offices of BOE.
- (b) Provide BOE a list of all subscribing witnesses with addresses outside of New York City
- (c) Promptly reimburse all related cost and expenses in this endeavor to BOE which are estimated to be \$75,000. Such funds will be transferred to BOE via an intra-budget modification upon satisfactory completion of the tasks listed herein and the submission of an invoice to the City Clerk.

3. Term. This MOU shall be effective as of the date set forth above and continue in full force and effect until all the obligations set forth herein are fulfilled, unless properly terminated earlier ("Term").

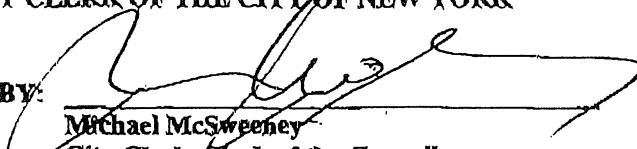
4. Termination. This MOU may be terminated upon written agreement by both parties.

5. Counterparts. This MOU may be executed in one or more counterparts, each of which when so executed and delivered shall for all purposes be deemed to be an original, but all of which such counterparts shall together constitute but one and the same instrument.

6. Recitals. The recitals set forth at the beginning of this MOU are hereby incorporated into and made a part of the substantive provision of this MOU.

IN WITNESS WHEREOF, the parties have caused these presents to be executed in duplicate, each of which shall constitute an original.

THE OFFICE OF THE CITY CLERK OF THE CITY OF NEW YORK

BY: 
 Michael McSweeney
 City Clerk, Clerk of the Council
 Dated: July 7, 2009

BOARD OF ELECTIONS IN THE CITY OF NEW YORK


BY: 
 Marcus Cederqvist
 Executive Director
 Dated: July 7, 2009

EXHIBIT AInstructions for Reviewing Petitions

For people signing the petitions:

- 1) Make sure each signer of the petition was registered to vote on or before October 10, 2008. Write the signers Voter Serial Number (VSN) in red pen next to their name on the copy of the petition.
- 2) Information that must be included and must be the same as the information in the voter registration record includes:
 - First Name
 - Last Name
 - Address (must be in New York City)
 - Date (make sure the date of the signature is dated between January 1, 2008 (the first day to sign) and June 24, 2009 (the last day to sign))
- 3) Check to make sure that neither the signature nor the date were altered. The date can be altered if it is initialed by the subscribing witness.
- 4) Signatures must be done in ink
- 5) Deficiencies to any of the above will cause the signature to be invalid and should be noted on the Clerk's Report

For subscribing witnesses:

- 1) Make sure each subscribing witness is registered to vote in New York City – the information stated must match the information in the voter registration record. Write the witnesses VSN in red pen next to their name on the copy of the petition. For witnesses residing outside New York City, make a notation in the Clerk's Report for each page where the witness claims to be from outside New York City
- 2) Information that must be included in the subscribing witness statement and must be the same as the voter registration record includes:
 - First Name
 - Last Name
 - Address
 - Number of Signatures on Page (note – should be the same as actual number of signatures on the page. If less than actual number of signatures, they will receive credit for lower number.)
 - Date
 - Signature of Subscribing Witness
 - City and County of Subscribing Witness
- 3) Make sure that the subscribing witness information is not altered unless it is initialed by the witness
- 4) Make sure that each page of the volume is numbered sequentially
- 5) Deficiencies to any of the above will cause the entire page to be invalid and should be noted on the Clerk's 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
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) 498-5338
Fax: (212) 497-5342
E-Mail:
srichman@boe.nyc.ny.us

July 13, 2009

Fy1

TO: ✓ The Commissioners of Elections

FROM: Steven H. Richman, General Counsel

COPIES: Marcus Cederqvist, George Gonzalez, Pamela Perkins, Troy Johnson, Charles Webb, & Steven Denkberg, & OCG Files;

RE: **DEPARTMENT OF JUSTICE PRE - CLEARANCE OF SUBMISSIONS NUMBERED 2009- CW -02**

Attached hereto is a copy of a letter dated July 8, 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 submission:

2009 CW- 02, (dated May 14, 2009) – the 2009 Independent Nominating Petition Rules,

Therefore, the Rules are effective as of July 8, 2009.

Thank you for your attention to this matter.

Attachment



U.S. Department of Justice

Civil Rights Division

CC:MSR:JKI:maf
DJ 166-012-3
2009-1708

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

July 8, 2009


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

Dear Mr. Richman:

This refers to the changes to the Independent Nominating Petition Rules for the November 2009 General Election for the City of New York in Bronx, 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. 1973c. We received your submission on May 18, 2009.

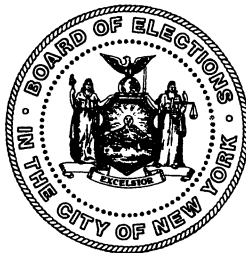
The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41.

Sincerely,


for Christopher Coates
Chief, Voting Section

2009 JUL 13 PM 4: 04

RECEIVED
GENERAL COUNSEL
BD. OF ELECTIONS
IN THE CITY OF NEW YORK



FREDERIC M. UMANE
PRESIDENT

JULIE DENT
SECRETARY

JOSE MIGUEL ARAUJO
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STEVEN H. RICHMAN
GENERAL COUNSEL
Tel: (212) 498-5338
Fax: (212) 497-5342
E-Mail:
srichman@boe.nyc.ny.us

July 13, 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 Deputy Chief Clerks, Bronx

RE: DEPARTMENT OF JUSTICE PRE - CLEARANCE OF SUBMISSIONS NUMBERED 2009- K -03 & 10; 2009-BX-03

Attached hereto is a copy of a letter dated July 8, 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-03, (dated May 8, 2009) making nineteen (19) poll site changes in the 41st, 42nd, 44th, 51st, 52nd, 54th, And 57th Assembly Districts and the addition of one (1) new poll site in the 51st Assembly District, all 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-10, (dated May 11, 2009) making two (2) poll site changes in the 44th Assembly District, County of Kings for the September 2009 Primary Election;

2009 BX-03, (dated June 1, 2009) adding two (2) new poll sites as the result of the Election District now having voters) in the 78th and 79th Assembly Districts, County of the Bronx for the September 2009 Primary Election.

Therefore, the changes are effective as of July 8, 2009.

Thank you for your attention to this matter.

Attachment



U.S. Department of Justice

Civil Rights Division

CC:MSR:JKI:cv:maf
DJ 166-012-3
2009-1667
2009-1689
2009-1854

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

July 8, 2009

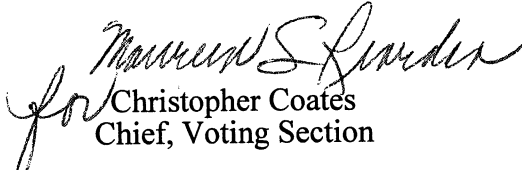
Steven H. Richman, Esq.
General Counsel
32 Broadway
New York, New York 10004-1609

Dear Mr. Richman:

This refers to twenty-one polling place changes and the addition of three polling places for the City of New York in Bronx, 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. 1973c. We received your submissions on May 13, 14, and June 5, 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,


for Christopher Coates
Chief, Voting Section

RECEIVED
GENERAL COUNSEL
BD. OF ELECTIONS
IN THE CITY OF NEW YORK
2009 JUL 13 PM 4: 04

Comm Mtg
FY1

BRONX COUNTY

Supreme Court

Rules for Special Election Matters Part

Orders to Show Cause to validate or invalidate designating or nominating petitions, required to be commenced on or before July 30, 2009, shall be returnable before Hon. Robert G. Seewald on August 3, 2009 at 2:00 P.M., in Room 600, 851 Grand Concourse, Bronx, New York. The parties must comply with the filing requirements of CPLR 304.

On the return date, August 3, 2009, 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 Orders to Show Cause, as well as any interposed Counterclaims or Answers, shall be filed with the Clerk of the Part or Special Referee. Failure to comply with the foregoing filing requirement may result in preclusion.

In any matter alleging a question of residency of a candidate, a written offer of proof shall be filed with the Clerk of the Part on the return date. This offer of proof shall specify: the address where the petitioner believes the candidate(s) actually resides or the reason(s) why the petitioner believes that the candidate does not reside at the address stated in the designating/nominating petition; and the name of any witness which the party intends to testify regarding this issue.

Specifications of objections or bills of particulars, not previously served and/or filed with the Board of Elections, shall be served upon the opposing party and filed with the Clerk of the Part or Special Referee by August 4, 2009 at 1:00 P.M. Failure to serve and file same may be deemed a waiver and further proof precluded.

A 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 and the status of such witnesses (i.e. signatory, subscribing witness, notary public or expert, etc.), shall be filed with the Clerk of the Part or Special Referee, no later than August 4, 2009 at 1:00 P.M. This written offer of proof shall include: the name of each witness expected to be called; the status of such witness (i.e. signatory, subscribing witness, notary public, expert, or other); and, whether the name of such witness appears in the petition, and if so, specifying the volume, page, and, where appropriate, the line where the name appears. Failure to file and serve such offer of proof may be deemed a waiver and further proof may be precluded.

Orders to Show Cause to validate a designating or nominating petition commenced within three (3) business days of a determination of its invalidity by the Board of Elections shall be returnable on August 10, 2009, at 11:00 A.M. in Courtroom 600, 851 Grand Concourse, Bronx, New York, or at such other date or place as required by the date on which the Board of Elections made its determination.

TUESDAY, JULY 7, 2009

New York Law Journal