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MARCUS CEDERQVIST  
EXECUTIVE DIRECTOR

GEORGE GONZALEZ  
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS  
ADMINISTRATIVE MANAGER

## BOARD OF ELECTIONS

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

### AGENDA COMMISSIONERS MEETING TUESDAY, MARCH 31, 2009 AT 1:30 P.M.

- 
1. Minutes
    - a) 03/03/09
    - b) 03/17/09
    - c) 03/24/09
  2. Marcus Cederqvist
    - a) HAVA Update
      - Conference Call with State Board and ECA Executive Committee – March 27, 2009
  3. John Ward
    - a) Vacancy Report
  4. Executive Session
    - a) Personnel Matters
    - b) Litigation

#### For Your Information

- Pre-clearance Submission Number 2009 CW 01
- NYS Board of Elections Weekly Status Report for the Week of March 20, 2009 through March 26, 2009
- 2009 Proposed Legislation

#### News Items of Interest

- *Cityhallnews.com*: With Bloomberg's Attention, Quiet Hope Spurs in Manhattan GOP
- *Cityhallnews.com*: The Election Lawyer in Winter
- *Cityhallnews.com*: Housecleaning at the Board of Elections

## Marcus Cederqvist

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**From:** CoExecutiveDirectors [CoExecutiveDirectors@elections.state.ny.us]  
**Sent:** Friday, March 27, 2009 12:47 PM  
**Cc:** ANNA SVIZZERO; Douglas Kellner; JOSEPH BURNS; JOHN CONKLIN; KIMBERLY GALVIN; PAUL COLLINS; ROBERT BREHM; STAN ZALEN; TODD VALENTINE  
**Subject:** Judge Sharpe

Commissioners:

Please see below "Minute Notes" that constitute a very brief summary of the events in Court today. This is in anticipation of today's conference call.

The following transaction was entered on 3/27/2009 at 11:53 AM EDT and filed on 3/27/2009

Case Name: United States of America v. New York State Board of Elections et al Case Number:1:06-cv-263 ( <https://ecf.nynd.uscourts.gov/cgi-bin/DktRpt.pl?62858> )  
Filer:  
Document Number:No document attached

Docket Text:

Text Only Minute Entry for proceedings held before Judge Gary L. Sharpe: CRD: John Law. In Chambers Conference held on 3/27/2009. Appearances Made: Brian Heffernan, Esq., for the plaintiff by phone, Jeffrey Dvorin, AAG, for the State of New York, Kim Galvin and Paul Collins, Esq., for the New York State Board of Elections. Court inquires of change in HAVA legislation. Atty. Heffernan discusses the change and the defendants' letter on this issue. Court summarizes content of the letter. Atty. Heffernan discusses the letter with the court. Court discusses the testing protocol. Atty. Collins states the State did not decertify Systest but the EAC did. Atty. Collins states lost accreditation. Atty. Galvin discusses the issue further with the court. Court discusses issue and states the overall problem is New York State is obligated to comply with federal law. Non-compliance is not an option. Court states action may be taken soon without compliance. Atty. Collins states wrote letter for it was apparent that not to meet the deadlines. Advises court of the potential to make application to extend the deadlines. Atty. Hefferenan states would be open to have a proposal submitted to him. Need to have them move quickly. Atty. Galvin states would need some internal discussions as well. Court directs the defendants to have proposal submitted to the plaintiff by April 10, 2009. The plaintiff will response to the proposal by April 24, 2009. Court advises if parties can't resolve the issues that the defendants' motion is to be filed by May 8, 2009. The plaintiff's response would be due by May 15, 2009. The defendants are directed that if they seek to reply they need to seek permission of the court.

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New York State Board of Elections  
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(518)474-8100  
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dmullahey@elections.state.ny.us



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**Kimberly A. Galvin**  
Special Counsel  
**Paul M. Collins**  
Deputy Counsel

March 25, 2009

Hon. Gary L. Sharpe  
United States District Judge  
James T. Foley U.S. Courthouse  
445 Broadway, Room 441  
Albany, New York 12207

Re: *United States of America v New York State Board of Elections, et al.*  
06-CV-0263 (GLS)

Dear Judge Sharpe:

At the direction of your Courtroom Deputy, we write to advise the Court as to the issues to be addressed at Friday's Conference in the matter.

Firstly, New York State has complied with the Supplemental Remedial Order by making a disabled accessible ballot marking device available at every polling site. The primary issue is to address the Court's Supplemental Remedial Order time line for the replacement of the lever voting machines. We respectfully advise the Court of the factual and legal changes which have occurred which we assert justify the relief which will be sought in our application to extend the dead line for the full Lot 1 roll out.

The defendant State Board of Elections has received a revised testing time line from SysTest which indicates that it will be impossible to meet the 2009 September Primary Lot 1 roll out date in the Court's Supplemental Remedial Order. Thus we advise the Court that we will be making an application to enlarge the time within which to comply with its Supplemental Remedial Order.

SysTest is scheduled to finish test case preparation by March 31, 2009. Vendors are expected to deliver their final software and hardware revisions by April 30, 2009. These have resulted from responses to the various test cases which have been shared with the vendors in an attempt to

expedite the certification process. State Board personnel have met with SysTest and our technical adviser, NYSTEC, and the consensus of both SysTest and NYSTEC is that no compression of the timeline is apparent, thus will not be completed in a way that will accommodate a 2009 September Primary election roll-out.

Several scenarios have negatively impacted our ability to complete certification testing in late summer. As our weekly Status Reports reflect, SysTest underestimated the complexity of fully and accurately testing to the federal standards. The recent suspension of its accreditation imposed by the Election Assistance Commission was related to a deficiency in testing documentation, and included a requirement that training of SysTest staff be conducted, confirmed, and better-documented has contributed to the expansion of the timeline. Those deficiencies have been corrected and SysTest's accreditation was recently restored.

As Your Honor is aware, 2009 is not a federal election year. It is perhaps that fact that prompted Congress to recently extend the HAVA lever voting system replacement deadline to November 1, 2010. This expression of Congressional intent may be found in Section 625 of the Omnibus Appropriations Act of 2009, P.L. 111-8, 123 Stat. 524 which the President has signed. The language is clear:

- Sec. 625(a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B) is amended by striking "March 1, 2008" and inserting "November 1, 2010".
- (b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

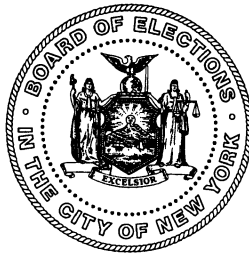
It is these changes in law and fact that the State Board wishes to bring to the Court's attention on Friday.

Respectfully submitted,

s/ \_\_\_\_\_  
Kim Galvin ( 505011)  
Special Counsel

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

Attorney for the New York State  
Board of Elections and  
Defendants Valentine and Zalen



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JOHN J. WARD  
FINANCE OFFICER

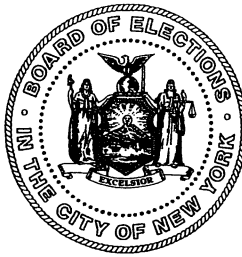
DATE: March 31, 2009  
TO: Commissioners

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	Martin Currie	VMT	Bklyn	Dem.	\$27,818	\$26,493

Comm Mtg  
F41



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

March 27, 2009

## EXPEDITED CONSIDERATION REQUESTED

### VIA EXPRESS MAIL

Christopher Coates  
Chief, Voting Section  
United States Department of Justice  
Civil Rights Division  
Room 7254 - NWB  
1800 G St., N.W.  
Washington, DC 20006

RE: PRECLEARANCE SUBMISSION  
NUMBER 2009 CW 01

Dear Chief:

The Board of Elections in the City of New York ("Board") herewith submits for preclearance, pursuant to the provisions of Section 5 of the Voting Rights Act of 1965, as amended and codified as Section 1973(c) of Title 42 of the United States Code, as amended, its revised and updated **Designating Petition and Opportunity to Ballot Rules for the**

**September 2009 Primary Election.** These rules were adopted by the Commissioners of Elections in the City of New York at their public meeting held on March 24, 2009.

These Rules make minor changes made to the adopted and pre-cleared 2008 Designating Petition and Opportunity to Ballot Rules for the September 2008 Primary. Please note that the 2008 Designating/OTB Petition Rules were submitted for pre-clearance by letter dated April 7, 2008 and were pre-cleared by the Department of Justice by your letter dated June 5, 2008.

The changes made to the 2009 Designating/OTB Petition Rules (as compared to the 2008 Designating/OTB Rules) are summarized below. In the attached copy of the Rules, new material is in **bold and underlined**; material to be deleted has a **strikethrough**:

1. Add in Rule H1 – a requirement that the specifications of objection shall be prepared in ink.
2. In Rule H12 – modify the authority to determine that a specification of objection appears to be frivolous or that the objectors lack standing to file such specifications. In 2008, that authority was delegated to the Board's Executive Director and General Counsel.

For 2009, that delegation has been changed to either:

- (a) the Board's Executive Committee, composed of the Commissioners of Elections serving as President and Secretary for the current calendar year for any specifications of objection to a petition for a candidate for Citywide office (i.e. – Mayor, Comptroller or Public Advocate); or
- (b) the respective Borough's Commissioners' Committee, composed of that Borough's duly appointed Commissioners, for any specifications of objection to a petition for a candidate for any other public office or party position assigned to that Borough for review.

Since the Board intends to follow these Rules in the Primary Election in September 2009 and the first day of petitioning under these Rules is June 9, 2009, expedited **consideration and approval** of this request is respectfully requested.

Kindly refer to our submission number in all correspondence.

Thank you for your cooperation and understanding in this matter. Should you have any questions regarding this submission, please call me directly at (212) 487-5338.

Respectfully submitted,

THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK

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

  
Steven H. Richman  
General Counsel

Enclosure

Copy (without enclosure):

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

The Commissioners of Elections in the City of New York  
Marcus Cederqvist, Executive Director  
George Gonzalez, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Joseph LaRocca, Coordinator, Candidate Records Unit  
John Owens, Director of Campaign Financial Reporting Enforcement  
Charles Webb, III, Counsel to the Commissioners  
Steven Denkberg, Counsel to the Commissioners  
Joseph LaRocca, Coordinator, Candidate Records Unit





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Special Counsel  
Paul M. Collins  
Deputy Counsel

March 27, 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 March 26, 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 03/20/09 – 03/26/09**

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 in jeopardy and behind schedule per the project timeline for Plan A.

**Contracting with Voting System Vendors**

Status of tasks in this category: *on schedule*

- Suggested language changes were forwarded to OGS March 26<sup>th</sup>.

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

Status of tasks in this category: *in jeopardy and behind schedule*

- The weekly status meetings with SysTest Labs and NYSTEC to review progress with regard to Plan A was not held pending SytTest's completion of the test case preparation..
  - Overall progress of testing :
    - NYSTEC is currently working on refining the pre-election testing and test case procedures.
      - Meetings are planned to refine the pre-election testing workflow.
    - Vendors are required to send their final software and hardware to SysTest to arrive no later than 4/30/09.
    - GenSec Partial test case released to Dominion and ES&S on 3/25/09.
    - Readiness test case released to Dominion and ES&S on 3/25/09.

NEW YORK STATE BOARD OF ELECTIONS

- A conference was scheduled with Judge Sharpe on March 27th to discuss the newest testing time line. Representatives from the DOJ, AG and NYSBOE participated.

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

Status of tasks in this category:

- **Nothing new to report in this category this week.**

**NYC HAVA Complaint**

- SBOE followed up with the NYCBOE to determine results of the Commissioners Meeting at which the regulatory changes were to be discussed by NYCBOE. SBOE learned that these were not included on the NYCBOE agenda for this week's meeting.

## Marcus Cederqvist

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**From:** CoExecutiveDirectors [CoExecutiveDirectors@elections.state.ny.us]  
**Sent:** Thursday, March 26, 2009 3:41 PM  
**Subject:** 2009 Proposed Legislation



2009 Proposed.pdf  
(75 KB)

Commissioners,

Attached is a summary of the legislative packet for 2009, which the Board reviewed and which was forwarded to the Legislature. The full text of the packet is available at our website: [www.elections.state.ny.us](http://www.elections.state.ny.us), under "Public Information" then "Publications"

Due to technical issues several counties apparently did not receive the earlier email, which contained the legislative packet in its entirety.

Kimberly A. Galvin, Special Counsel  
Paul M. Collins, Deputy Counsel



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**Election Law Proposals for 2009**

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The following is a brief description of the State Board of Elections legislative proposals to address the administration of elections for 2009.

- SBE 09-01     **Poll Watcher Qualifications:** This bill amends subdivision 4 of §8-500 of the Election Law to prohibit candidates from being poll watchers in those districts where they are running for office.
- SBE 09-02     **Filing of Papers by Express Courier:** This bill adds a new subdivision (3 ) to §1-106 of the Election Law to recognize delivery services other than the United States Postal Service for the delivery of papers under the Election Law. The bill also amends §5-210(3) to include the State Board of Elections as an entity to receive timely voter registration forms.
- SBE 09-03     **Ballots Counted by Machine:** Section 7-121 of the Election Law is amended to provide that all ballots printed for use on a voting system approved by the State Board of Elections may be printed and arranged in a manner which would permit them to be counted by such machine. Allows flexibility and consistency in printing and ballot layouts to be utilized with the new voting systems.
- SBE 09-04     **Exempt Election Workers from Jury Duty:** This bill amends Judiciary Law §524 to provide an exemption from jury duty for election inspectors, poll clerks and election coordinators.
- SBE 09-05     **Polling Site Designation:** This bill will allow County Boards the flexibility to take into consideration the technology provided for with the new voting systems when determining and designating their polling sites.

- SBE 09-06 **Polling Site Access:** This bill would require that each polling place be in compliance with guidelines set forth in the federal Americans with Disabilities Act. It would also require the State Board to provide guidance to the County Boards on how to meet those standards.
- SBE 09-07 **Absentee Ballot Requirements:** This legislation provides for a streamlined absentee ballot application process by allowing qualified voters to apply for absentee ballots if they meet one of the criteria in the Constitution without invading the privacy of the voter.
- SBE 09-08 **Campaign Financial Disclosure Filings:** This bill would increase the possible fine for a campaign filing violation from \$500 to \$1,000 dollars.
- SBE 09-09 **Campaign Financial Filing Information:** This bill would allow the State Board flexibility in the administration of updating certain required information for certain statements and would also require certain candidates to provide certain financial information.
- SBE 09-10 **Publication of Election Results:** This bill would eliminate the outdated and costly requirement that certified election results be printed in certain legal ads.
- SBE 09-11 **Military Ballot Receipt Times:** This bill would make permanent the current provisions that set forth the time frames for the timely receipt of military ballots. Allowing those ballots (otherwise valid) received within 7 days of a primary election or 10 days of a general election to be cast and counted.
- SBE 09-12 **Form of Paper Ballots - Undervote Error Message:** This bill would require that ballots have a box, oval or other marking area that the voter may intentionally fill in to alert the voting system that any and all undervotes on the ballot had been done so intentionally. This, in turn, would allow the system to cast the ballot without returning an “undervote error message” to the voter.
- SBE 09-13 **Delivery of Paper Ballots to the Voter:** This legislation will allow the State Board to promulgate and modify regulations regarding the casting and delivering of paper ballots to the voter.

Comment  
KRS

<http://cityhallnews.com/>

# With Bloomberg's Attention, Quiet Hope Spurs in Manhattan GOP

Chris Bragg  
March 25th, 2009

"We used to win Congressional seats, City Council seats, Assembly seats," said Nicholas Viest, the Metropolitan Republican Club's treasurer, wistfully looking at the walls of the small, dusty room known simply as "The Bunker."

The walls of the room in the basement of the club headquarters are plastered with memorabilia from past winning campaigns and there is a placard from the office of longtime former State Sen. Roy Goodman. There is a broken-down couch with the imprints of sleeping arrangements from nights too late to go home. In one corner lies an old Compaq computer, seemingly unused for years.



Like many members of the club unable to raise enough money to rent campaign offices anywhere else, Viest spent at lot of time in the Bunker while using it as his makeshift campaign headquarters.

Like many members of the club, Viest ran for office and lost.

Things used to be different.

Teddy Roosevelt helped found the Met Club in

1898 as an anti-Tammany Hall reform club, and the large red brick building on 83rd Street just off Lexington Avenue remained the heart of the GOP stronghold on the Upper East Side for years.

Richard Nixon was once a member. A floor above the bunker, future mayors named La Guardia, Giuliani and Bloomberg have rolled out their candidacies in the club's posh ballroom, essentially the de facto national center of the party's moderate wing.

There have not been too many celebrations there recently, though. Aside from being called on for campaign donations, they have largely been forgotten, overlooked.

But now, with Mayor Michael Bloomberg (Ind.) tangling to get approval to run on the Republican line,

the Manhattan Republicans, who will most likely be the swing vote among the five county parties, are suddenly all the rage.

Bloomberg and two others hoping to get the Republican line will make their cases on May 6 in the ballroom of the Metropolitan Club. Bloomberg, who is a member of the club and a donor (and who has been a regular attendee at club events), would seem to be a natural ideological fit for members, despite his decision to drop his Republican affiliation in 2007. But getting the nod may be more complicated than he had planned, now that county chair Jennifer Saul has said she will defer to the wishes of the 50 members of the New York County Republican Committee in casting her vote either in favor or against giving Bloomberg the Wilson-Pakula allowance to run on the line.

Whether Saul can or will endorse someone remains unclear. And without any elected official or clear leader, what will guide the decisions of these people in their unexpected moment in the sun appears impossible to gauge.

The vast majority of the county Republican Committee are white, well-educated professionals who work for the party in their free time, in thankless jobs that can result in them being mocked and spat at while struggling to gather signatures to get long-shot Republican candidates on the ballot.

"Every day we have to go fight," said New York County Republican Party executive director Jason Weingartner. "Every day we're forced to go defend what we believe."

Still, as they look forward to the Bloomberg decision, years in the political wilderness seem to have bred a strain of political idealism among Manhattan Republicans largely divorced of the self-interest, who, unlike Republicans elsewhere around the city, seem to be uninterested in using their power to win political advantage in future local elections or get patronage positions.

After May 6, the party will likely return to obscurity due to a lack of candidates put up for office (in all of last year's races for Congress, State Senate and Assembly, there were a total of two active candidacies, both for Assembly).

"You get the sense people just aren't trying anymore," said Steve Malanga, a senior fellow at the conservative Manhattan Institute. "I haven't seen any evidence that the party is reaching out to anyone new."

For the time being, the party's goal seems to be to make the Democrats at least sweat a little when they run for re-election. It is a moral victory if a Democratic candidate is forced to send out a campaign mailer, say party members. A shining moment was forcing veteran Upper West Side incumbent Richard Gottfried onto the campaign trail for the first time in decades, even though 23-year-old candidate Saul Barber was perhaps the ultimate long shot.

Perhaps, some of the true believers hope, the new focus Bloomberg has put on them, combined with the right set of larger circumstances, could return the Manhattan GOP to the glory days and a few more viable candidates to the Bunker.

"Politics has always been cyclical," said Andrew Eristoff, who served on the City Council from 1993 to 1999 representing the East Side, but lost a 2002 State Senate race in an overlapping district.

"There will come a day when the party is again competitive."

--



*ABOVE: Manhattan GOP executive director Jason Weingartner is among those hoping that the new focus Michael Bloomberg has put on the party may spur a revival in the Metropolitan Republican Club's basement Bunker, once the nerve center of winning campaigns. Photo by: Andrew Schwartz*

<http://cityhallnews.com/>

# The Election Lawyer in Winter

Connor  
Ky 2

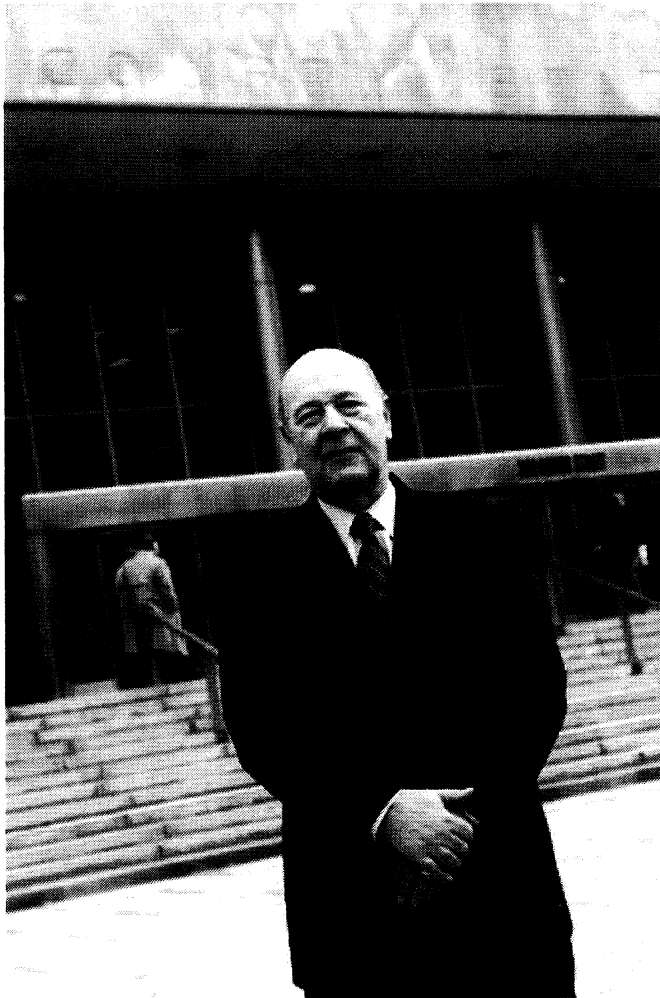
Connor considers more BoE cases, possible rematch and Bloomberg challenge

Sal Gentile

March 25th, 2009

Last fall, Martin Connor (D) was forcibly retired from the State Senate by Daniel Squadron (D-Brooklyn/Manhattan), a well-connected 28-year-old upstart who was backed by Mayor Michael Bloomberg (Ind.).

Now, he longs to return the favor.



“I certainly don’t trust anything Bloomberg says,” said the former Senate minority leader and 31-year veteran of New York politics, sipping coffee on a recent afternoon at Eamonn’s, an Irish pub just down the street from his law office near Brooklyn Borough Hall.

Connor has already been sifting through Bloomberg’s campaign expenditures. And if he gets hired by any of the mayor’s rivals—a strong possibility, considering that Bloomberg himself tried to hire Connor in 2001—he plans on putting that knowledge to use.

“It just came out in The Village Voice, Bloomberg giving \$1.2 million to the Independence Party,” Connor said of the recent disclosure that Bloomberg funneled money into the party’s coffers. “I don’t know how he did that. He’s not allowed to make that kind of contribution. That’s illegal. And I’m going to look into that more.”

In his first extended interview since losing last September, Connor made it clear that he still longs for the life of a state senator. And he still seethes about his 8-point loss to Squadron.

On the night of the primary Connor blamed voters in his district for heeding Squadron and

Bloomberg (and still does: “It frustrates me that Democrats in my district followed [Bloomberg’s] lead on who the state senator should be.”) The next morning, he walked into his Brooklyn office and unceremoniously fired his chief of staff (“Pack your things,” Connor reportedly told him as he tossed a cardboard box onto his desk, “you’re fired.”)

He has still never called Squadron to formally concede.

Even a question about campaign finance reform, a seemingly unrelated issue, induces a diatribe about Squadron, who was backed by the Working Families Party:

“Let’s say you’re running against me for State Senate in the primary,” he said. “You know how much an individual can give to a political party, whether it’s Democrat, Republican or Working Families? \$85,000. So that meant, if I’m a well-connected, wealthy candidate running for the State Senate, supported by Working Families, I can get all my wealthy friends to give me up to \$6,000. But I can also say, ‘go see [WFP executive director] Dan Cantor,’ and they can write \$85,000 checks. You know how much a political party is allowed to spend in your race? Unlimited.”

Aside from his career in Albany, Connor has long established himself as one of the state’s most formidable election lawyers. That expertise came to bear already this year, as he figured prominently in each of three Feb. 24 special elections for City Council, knocking one candidate off the ballot for using the word “families” in his party name and catapulting another to the front of the field.

He made close to \$10,000 just from those three Council elections over the course of a few days, according to campaign expenditure reports.

“I left office after 31 years, no savings account, no investments, not a share of stock,” he said. “I was fortunate enough to be busy the first couple months of the year, probably made more in law practice in two months, definitely, than I made all last year.”

His knowledge of the inner workings of Albany surpassed that of almost anyone in the Capitol today. That fact is all the more frustrating to Connor, as he finds himself sidelined during one of the most formative periods in the history of the State Senate.

He watched as Senate Majority Leader Malcolm Smith (D-Queens), anxious to gain control of the chamber but inexperienced at pulling the levers of power, struggled with negotiations with three renegade Democrats. Smith weakened himself right out of the gate, Connor says, by granting concessions to the three.

“I wouldn’t have done it, but I had a lot more experience than he did ... he was leader for two years,” Connor said. “I would’ve said, ‘do what you’ve got to do. If we have to wait another two years ... you know the demographics of this state. We’re going to take over, and then you guys will be nowhere.’”

Connor said he is also disappointed with what he sees as a lack of leadership in the conference, which has so far stalled on most of its major campaign promises, ostensibly because of the fiscal crisis. “I’m really disappointed [that] there doesn’t seem to be anybody in that conference who could hold these things and push them through,” he said.

If he were still leading the conference, Connor said, he would use the knowledge he has of his old Republican colleagues’ personal opinions—collected over the years from drinking sessions in Albany bars and cloak-room schmooze-fests—to facilitate the push for controversial measures, such as legalizing gay marriage.

“I’d be talking to a number of my Republican colleagues who I think might be persuadable,” Connor said. “Over the years I’ve heard, ‘Come on, my nephew’s gay, he and his partner are over our house all the time.’ Little things like that, that people coming in just in the last couple years don’t know, and that those members would never confide in.”

The fact that he could be using his institutional knowledge to steer the Senate through this difficult moment for the conference and state has not escaped Connor, either. Though he says he is concentrating on his law practice—and on beating Bloomberg this year, especially if hired by a client to help—he admits that political life still entices him.

“I miss it,” he said, quietly and without elaboration.

Even after 30 years in a largely powerless minority and a fairly undignified exit, Connor said, he would still consider running for office—even for his old seat, in a rematch against Squadron.

“I wouldn’t rule it out,” he said of taking on Squadron. “If I decide to run for office, it wouldn’t really matter who was there.” □

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*ABOVE: Marty Connor, still simmering over his loss to state Sen. Daniel Squadron last year, is eager to take on Mayor Michael Bloomberg in court this year. Photo by: Andrew Schwartz*

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# Housecleaning at the Board of Elections

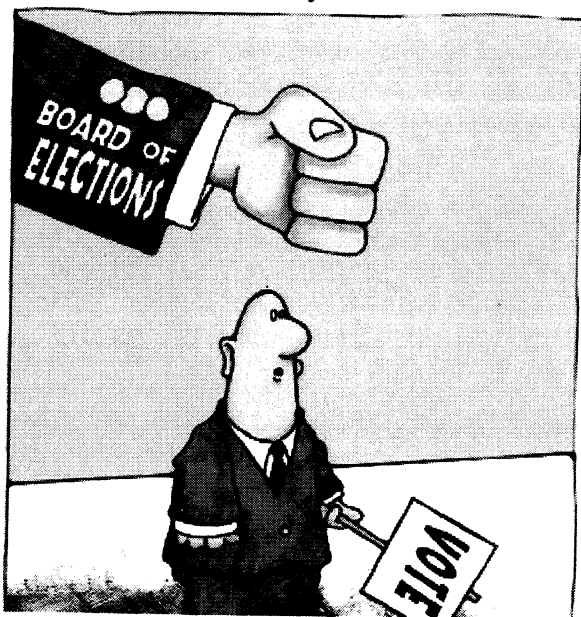
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When seven of 22 candidates for the three special Council elections are bounced from the ballot, the system is either working very well or very poorly. Given the objections raised at the Board of Elections Feb. 3, and given that they were accepted, there really is no doubt: The laws are working against the people and must be changed.

Calling for election law overhaul is like proposing to reform the tax code. Decades, if not centuries, of laws have been piled on top of each other, creating an abyss of regulations that serves only the lawyers who learned how to navigate and manipulate its quirks. Like with the IRS, scrapping everything wholesale and starting over is a pipe dream, and small-scale tinkering can seem futile. Nonetheless, the elected leaders of this city have an obligation to try to do something to fix a system that turns democracy on its head, complicating ballot access to what can be practically impossible and restricting the political process to those already deep inside or able to afford the services of someone who is.

The easiest place to start would be with the commissioners. Currently, the screening process for them focuses almost exclusively on finances and potential conflicts of interest. No expertise in anything is required or encouraged—so long as the would-be commissioners are registered voters and residents of their respective boroughs, they are good to go. While there is an admirable notion of citizen government in this, it produces a group of commissioners who are almost less informed about election law than the people presenting to them. There should be a screening process involved, as there is for other judicial positions in this state, and a program of continuing certification over the years on the Board to ensure that their understanding of the relevant laws stays sharp. The charter refers to the Board's powers as quasi-judicial—this should require a certain level of expertise from the commissioners, as we expect of actual judges, if they are to be empowered to exercise as much discretion over ballot access and other procedural matters as they do.



The makeup of the commissioners also needs to be updated. Currently, 10 commissioners are equally divided between the five boroughs and two major political parties, a quaint relic of simpler times. Though perhaps the geographic distribution should be preserved to give each borough equal voice, the party distribution certainly should not. There are nowhere near an equal number of Republicans and Democrats in New York, so to give them the same say over elections essentially disenfranchises the many Democrats who significantly outweigh Republicans in this city, to say nothing of voters who belong to other parties. Realistically, party affiliation will continue to be a factor in choosing commissioners, and there is arguably good cause for this. But to be fair, commissioners should proportionately represent the voters whom they are

supposed to serve, with the votes cast in each mayoral election used as the basis for determining board membership for the four years following.

Just changing the guidelines for commissioners will of course not be enough. The process for raising objections to ballot petitions needs to be changed as well, with both potential objections and objectors narrowed. That, for example, candidates will be unable to use either the word “families” or employ a star as a logo (both grounds for ejection this time around) in a system which demands candidates create their own party names and logos makes the already ridiculous into the cartoonishly absurd. That these issues can be raised by others on behalf of candidates without the candidates having to officially attach their names to the challenges carries the absurd over the edge into the perverse. But they cannot be expected to change things on their own. Instead of giving commissioners full discretion over which statutes they will enforce (itself dependent on which ones the election lawyers bring to their attention), the Council and State Legislature need to straighten out some of the glaring ambiguities in the law.

Moreover, since the battles for ballot access are extensions of the political process, the laws should be changed to treat them as such. Only those who have petitioned their way onto the ballot themselves should be allowed to raise objections, and a spending cap should be imposed on the amount in legal fees candidates can spend on representation in front of the Board.

Holding elected office in this city is a privilege and a burden. There is nothing wrong with making those who aspire to the job adhere to the law’s tough standards—provided that the law is rational—or with preventing the lazy and sloppy from enjoying the same rights that the law-abiding do. But this should not be continually turned into a game which only the select few can play, with a group of election lawyers holding sway over the Board of Elections like bullies on a playground. Our system should be encouraging participation at every stage, not discouraging it, and now, before the regular 2009 season gets under way, is the time to make democracy rule over gut feelings and money. Too often, what goes on at the Board of Elections is self-serving, arbitrary, vindictive and venal. This year, after extending their own term limits under the argument that their knowledge of municipal government was too important to lose, the Council and mayor should exercise the political will to change things in advance of their own elections in the fall. To a city still skeptical of their motivations last October, this would be a good way to demonstrate the value of the wisdom they claim.