

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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December 18, 2008

Start: 12:14pm

Recess: 12:34pm

HELD AT: Council Chambers
City Hall

B E F O R E:
DIANA REYNA
Chairperson

COUNCIL MEMBERS:
Joel Rivera
Maria Baez
Leroy G. Comrie, Jr.
Erik Martin Dilan
Lewis A. Fidler
Robert Jackson
David I. Weprin
Melinda R. Katz
Michael E. McMahon
David Weprin
Inez E. Dickens
James S. Oddo
Christine C. Quinn
Daniel R. Garodnick

A P P E A R A N C E S

COUNCIL MEMBERS:

Maria del Carmen Arroyo

G. Oliver Koppell

Annabel Palma

Helen D. Foster

A P P E A R A N C E S (CONTINUED)

Naomi C. Silie
Commissioner Appointee
New York City Board of Elections

2 CHAIRPERSON REYNA: Good morning
3 and welcome to the Committee on Rules, Privileges
4 and Elections. My name is Diana Reyna, and I am
5 Chair of this Committee. Before we begin, I'd
6 like to introduce my colleagues of this Committee
7 who are present here today. Council Member Daniel
8 Garodnick, Council Member Erik Martin Dilan,
9 Council Member Joel Rivera, Council Member Robert
10 Jackson, Council Member David Weprin, Council
11 Member Maria Baez, Council Member Lewis Fidler,
12 Council Member Michael McMahon, Council Member
13 Maria del Carmen Arroyo, Council Member Oliver
14 Koppell, Council Member Melinda Katz, Council
15 Member Helen D. Foster, Council Member Annabel
16 Palma. We have a full house here today. Let
17 Stated begin. It speaks to the unification here
18 of this particular nominee for the Board of
19 Elections. Today the rules committee will be
20 considering the following two matters, the
21 appointment of Naomi Silie to the Board of
22 Elections, and a resolution adding a rule to the
23 Rules of the Council in relation to the
24 qualifications of Council Members. First, the
25 appointment. Ms. Silie is being considered for

1
2 appointment as the Democratic Commissioner from
3 Bronx County. Her appointment is for a four-year
4 term that begins on January 1st, 2009 and ends
5 December 31st, 2012. For the record, her
6 certificate for Part recommendation was properly
7 formatted and submitted. I will briefly describe
8 the functions of the Board of Elections. The
9 Board of Elections consists of ten commissioners;
10 two from each of the City's five counties, who are
11 directly appointed by the New York City Council.
12 Not more than two commissioners shall be
13 registered voters of the same County. Each
14 Commissioner serves a term of four years, or until
15 a successor is appointed. Commissioners shall be
16 registered voters from each of the major parties
17 in the County for which they are appointed. The
18 Board and its Commissioners are responsible for
19 the maintenance and administration of voting
20 records and elections. The Board also exercises
21 quasi-judicial powers by conducting hearings to
22 validate nominating petitions and candidates for
23 nomination to elected office. The Board is
24 required to make an annual report of its affairs
25 and proceedings to the New York City Council once

2 every 12 months and no later than the last day of
3 January in any year. Commissioners receive a \$300
4 per Diem for each day's attendance at meetings of
5 the Board or any of its committees with a maximum
6 of \$30,000 a year. Welcome, Ms. Silie. Will you
7 please raise your right hand and be sworn in by
8 Counsel?

9 BARBARA B. BUTLER: Do you swear or
10 affirm to tell the truth, the whole truth and
11 nothing but the truth?

12 NAOMI C. SILIE: I do.

13 CHAIRPERSON REYNA: And at this
14 moment I just wanted to take the opportunity to
15 welcome the new Chair of the Bronx Democratic
16 Organization, Assemblyman Heastie, thank you for
17 being here. And I'd like Ms. Silie to state a
18 statement, if you have one, to share with us. Now
19 is the appropriate time to do so.

20 NAOMI C. SILIE: I'd like to take
21 the opportunity to thank everyone. I feel honored
22 to be here and honored to be given this
23 opportunity to take part in, I believe, a
24 wonderful opportunity to join in the new ventures
25 that are going on in New York City, specifically

2 dealing with the voting machines and everything
3 that's going on with that. So I thank you and if
4 anyone has any questions for me, I'm free and
5 open. Thank you.

6 CHAIRPERSON REYNA: Thank you so
7 much, I just wanted to share, we've been joined by
8 Council Member Leroy Comrie. And at this moment I
9 have a question from Council Member Joel Rivera,
10 or comment, and followed by Council Member Daniel
11 Garodnick.

12 COUNCIL MEMBER RIVERA: Thank you
13 very much, Madam Chair. Naomi, thank you very
14 much for your patience today. Everything is
15 always delayed, as I informed you earlier. The
16 appointment as Commissioner to the Board of
17 Elections is an extremely important one because
18 you are the gatekeepers for the voters of the City
19 of New York City. We have 8.2 million residents
20 and the voter participation, unfortunately, is not
21 where it should be in this City, and that's why we
22 need capable, able-bodied individuals to be there
23 at the helm making sure that the boroughs are
24 represented in a professional way. And in meeting
25 you at the Black Bar Association and looking over

2 your resume and knowing your participation in the
 3 now President Elect Barack Obama's campaign, I
 4 know of your stature and what you bring to the
 5 table. The former Commissioner, Nero Graham, was
 6 a great Commissioner who has served for a very
 7 long time with a tremendous amount of dignity and
 8 a tremendous amount of stewardship, and the shoes
 9 you're filling are big shoes, but I'm pretty sure
 10 that even though yours may be high heels, they
 11 will definitely, you know, definitely do the job
 12 and you will definitely be able to make all of us
 13 proud here in the City Council. And, you know, we
 14 take these appointments very serious because we
 15 know that, you know, you will be the one to
 16 represent us at the Board. And looking over your
 17 information, I am proud to lend my support to you
 18 as our Commissioner.

19 NAOMI C. SILIE: Thank you.

20 COUNCIL MEMBER GARODNICK: Thank
 21 you, Madam Chair, and Ms. Silie, I want to start
 22 off by saying congratulations to you and that I--

23 NAOMI C. SILIE: [Interposing]

24 Thank you.

25 COUNCIL MEMBER GARODNICK: It's a

1
2 pleasure to meet you. But I did want to raise a
3 few issues with you that I have raised with other
4 appointees to the Board in recent months. The
5 Board of Elections has been subject to some
6 criticism recently. Part of it is because it's a
7 challenge, being an entity which gets funded by
8 the City but has responsibilities also to the
9 State of New York. But I'm encouraged by your
10 background and what appears to be a true openness
11 to taking a fresh look at the way we deal with
12 elections and try to improve training and
13 additional personnel within the sites, according
14 to your answers in the questions here. One thing
15 I wanted to ask you about was on the subject of
16 additional polling sites and more personnel.
17 Presumably that's related to some of the
18 difficulties we've seen for voters who saw crowded
19 poll sites on Election Day. Is that what that
20 relates to?

21 NAOMI C. SILIE: Yes.

22 COUNCIL MEMBER GARODNICK: How do
23 you feel about the concept of early voting? And
24 this is something which we've started to explore
25 here in the City Council and certainly up at the

1
2 state level, the idea that New York, New Yorkers
3 being among the busiest people in the world, could
4 surely benefit in my view from having an
5 opportunity to cast an early vote and not
6 necessarily show up on Election Day, if that's a
7 point of some inconvenience, or even having
8 absentee ballots, which you could cast without any
9 fault or reason. Do you want to share any opinion
10 on either of those?

11 NAOMI C. SILIE: I'll speak to
12 something I experienced this past November,
13 actually. I was torn between voting at my polling
14 site or voting a week before so that I could spend
15 a week in Pennsylvania to canvass for President
16 Elect Obama. And having the option to go to the
17 Board of Elections and submit an absentee ballot
18 in person was advantageous, but I would have loved
19 to have had the option to just pull that lever.
20 So, just to answer your question, I think, you
21 know, it was advantageous for many states to have
22 that in advance. It eased the lines on the day
23 of. And so, to answer your question on point, I
24 think it would be a phenomenal idea. New Yorkers,
25 we have a lot of people here. So why not ease the

2 congestion on Election Day?

3 COUNCIL MEMBER GARODNICK:

4 Excellent. I totally agree with you, and I'm glad
5 to hear it. I also am curious to get your thought
6 on the absentee ballot process altogether. I
7 mean, even if you were-- let's say for example
8 instead of being in Pennsylvania as you were, you
9 were occupied with political activity in New York.
10 I mean we all know the polls are 6:00 to 9:00, but
11 if you're a campaign worker or somebody who is
12 involved, you might be there 5:30 in the morning
13 until 10:00 at night.

14 NAOMI C. SILIE: Right.

15 COUNCIL MEMBER GARODNICK: Under
16 the current rules, unless you are-- fit into a few
17 different categories or are going to be outside of
18 the jurisdiction, you're not truly entitled to an
19 absentee ballot. Do you think people should be
20 able to, without any of these expressions of fault
21 or need or whatever, just because they may have
22 other responsibilities during the course of an
23 election day, or for any reason or no reason, do
24 you think they should be able to cast an absentee
25 ballot?

2 NAOMI C. SILIE: I guess to the
3 best of my knowledge thus far, and in terms of the
4 intricacies of the absentee ballot process, I'm
5 not as well versed, as I should at this point.
6 What I will say is that for me, I was nervous with
7 the notion of absentee ballots, for myself. You
8 know, I've heard many stories, not necessarily
9 particular to New York, but the notion that, you
10 know, if you mail your ballot in, will it really
11 get counted. So there's something to be said with
12 nervousness that comes with not actually pulling
13 that lever. And so for me, the way I dealt with
14 that issue was physically going into the office to
15 submit my form. So I don't know if that would
16 create more problems if we open it to a wide array
17 of, you know, reasons why absentee ballots would
18 be acceptable.

19 COUNCIL MEMBER GARODNICK: Okay. I
20 think you raise an absolutely fair point and one
21 that is worthy of some careful consideration. And
22 I look forward to talking to you further about
23 that. And the truth is, in order to do that we
24 would-- it would be something that is beyond the
25 authority as a Commissioner, it's beyond the

1 authority of this local City Council. In fact it
2 would be something which would have to be
3 determined at a state level, perhaps even at a
4 state constitutional level. So these are issues
5 that are beyond us, but I just wanted to put it on
6 your radar screen. Also, in answer to some of the
7 questions on the questionnaire, you talked about
8 reaching out to minorities, young people, non-
9 English speaking sectors of the City and find
10 volunteers and employees that these folks can
11 relate to, to get them registered to vote and to
12 get them connected with government. I also wanted
13 to just get your thoughts on using those same
14 means to bring in new people who could serve as
15 poll workers as well. I know frequently there are
16 drop offs from the folks who are trained or
17 registered to be poll workers on a given day. And
18 it puts the Board of Elections in a very difficult
19 situation. And the idea of reaching out much more
20 broadly as the Board of Elections to
21 constituencies that have not previously been
22 reached out to, to serve as poll workers seems to
23 me to be a very sensible way to ensure that we're
24 not short staffed on election day. How do you
25

2 feel about that?

3 NAOMI C. SILIE: That makes perfect
4 sense. I would imagine that the reason we don't
5 have more people lining up is because many people
6 don't know of the steps that they need to take to
7 actually get there. I know plenty of people that
8 would jump at the opportunity. So I think if we
9 use some of those same techniques it would be,
10 again, it can only help us on Election Day, any
11 Election Day. Because again, the ability for poll
12 workers to be able to go take lunch or say, okay,
13 I'm only going to be here for six hours versus the
14 entire 12 hours, for example. Those are all
15 things that the more people we have, the better
16 the situation will be, because people will be more
17 excited about what they have to do on that
18 particular day.

19 COUNCIL MEMBER GARODNICK:

20 Absolutely. I totally agree with that. And the
21 only thing I will say in conclusion, this isn't
22 really a question; I wouldn't expect you to have a
23 detailed answer to this question as that you're
24 not a member of the Board yet. But I would say
25 that there have been some other criticism of the

2 Board of Elections, that there's been a lack of
3 openness, either in sharing information about how
4 exactly dollars are spent so that we as the people
5 who allocate dollars in the budget can make
6 determinations as to what the true need is, or
7 meeting with advocates, or making ballot machines
8 available in advance so that advocacy groups can
9 share them with their constituencies, they can see
10 what they're like for the-- like the ballot
11 marking device and other things. So what I would
12 just ask of you is an openness to openness, and to
13 really try to bring a fresh approach and encourage
14 more contact by the Board with the public and
15 certainly openness when it comes to the budgetary
16 process. I would encourage you to consider that.

17 NAOMI C. SILIE: Absolutely.

18 COUNCIL MEMBER GARODNICK: Thank
19 you. I am very enthusiastic about your candidacy.
20 Thank you for indulging me on the questions, and I
21 look forward to voting yes, and I look forward to
22 working with you in the future.

23 NAOMI C. SILIE: Thank you.

24 COUNCIL MEMBER GARODNICK: Thank
25 you.

2 CHAIRPERSON REYNA: Thank you,
3 Council Member Garodnick. We've been joined by
4 Council Member Inez Dickens, and I just wanted to
5 welcome Commissioner Polanco, another colleague
6 soon to be for Ms. Silie. The Commissioner was
7 just appointed a year ago and is looking forward
8 to his reappointment. I wanted to, without
9 further ado, ask the Clerk to-- for a roll of the
10 vote. Thank you.

11 ERIC STEVENSON: Eric Stevenson,
12 Committee Clerk. Reyna.

13 CHAIRPERSON REYNA: I vote Aye.

14 ERIC STEVENSON: Rivera.

15 COUNCIL MEMBER RIVERA: I just
16 wanted to say congratulations again to Naomi.
17 You're appointment to the Board of Elections is
18 going to be a great one. We also look forward to
19 working with you day in and day out, especially
20 coming up next year. And I just wanted to
21 congratulate J.C. Polanco, because even though
22 he's not being voting on today, I do look forward
23 to voting on his nomination next cycle.

24 CHAIRPERSON REYNA: I apologize
25 Council Member Rivera; I just needed to remind

2 members that we're doing a coupled vote. There is
3 a pre-considered resolution for the qualifications
4 of Council Members. The rules of the Council are
5 amended by adding a new rule, Rule number 2.80.
6 So if you can just call the vote again. It's a
7 coupled vote, two votes; one for Ms. Silie and the
8 new rule for Council Member qualifications.

9 ERIC STEVENSON: Reyna.

10 CHAIRPERSON REYNA: I vote aye on
11 both.

12 ERIC STEVENSON: Rivera.

13 COUNCIL MEMBER RIVERA: I vote aye
14 on both, congratulations.

15 ERIC STEVENSON: Baez.

16 COUNCIL MEMBER BAEZ: Aye on all,
17 and congratulations.

18 NAOMI C. SILIE: Thank you.

19 ERIC STEVENSON: Comrie.

20 COUNCIL MEMBER COMRIE: I'm sorry.
21 I was just informing a member of something that we
22 needed to vote on at the moment, so Aye on all.
23 Congratulations.

24 NAOMI C. SILIE: Thank you.

25 ERIC STEVENSON: Dilan.

2 COUNCIL MEMBER DILAN: Madam
3 Chairwoman, may I be briefly excused to explain my
4 vote?

5 CHAIRPERSON REYNA: Of course.

6 COUNCIL MEMBER DILAN: Okay, I just
7 want to speak towards the pre-considered
8 resolution, which is the rule change that amends
9 the Council rules. I just want to say that I
10 strongly favor this rule change, as it puts us in
11 compliance with new State regulations that came
12 down by the Attorney General as it terms to
13 members who need to, prior to their election, have
14 met the minimum qualifications to become a Council
15 Member. I believe this process will allow for a
16 cleaner introduction to new members of this body
17 and can only help this body and its membership
18 follow all state election laws as it relates to
19 the election of Council Members as we go forward.
20 So I'd like to vote Aye on that and congratulate
21 the new Commissioner on her appointment.

22 NAOMI C. SILIE: Thank you.

23 COUNCIL MEMBER DILAN: And I vote
24 Aye on both.

25 ERIC STEVENSON: Fidler.

2 COUNCIL MEMBER FIDLER: Aye on all.

3 ERIC STEVENSON: Jackson.

4 COUNCIL MEMBER JACKSON:

5 Congratulations. Congratulations and--

6 NAOMI C. SILIE: [Interposing]

7 Thank you.

8 COUNCIL MEMBER JACKSON: --I vote

9 Aye on both.

10 ERIC STEVENSON: Katz.

11 COUNCIL MEMBER KATZ: Aye on all.

12 ERIC STEVENSON: McMahan.

13 COUNCIL MEMBER MCMAHON: Aye on

14 all.

15 ERIC STEVENSON: Weprin.

16 COUNCIL MEMBER WEPRIN: Aye on both

17 and congratulations.

18 NAOMI C. SILIE: Thank you.

19 ERIC STEVENSON: Dickens.

20 COUNCIL MEMBER DICKENS: Aye on all

21 and congratulations.

22 NAOMI C. SILIE: Thank you.

23 ERIC STEVENSON: Garodnick.

24 COUNCIL MEMBER GARODNICK: I vote

25 aye.

2 ERIC STEVENSON: Vote now stands at
3 12 in the affirmative, no negative, no abstention.
4 Motion passes.

5 CHAIRPERSON REYNA: We will hold
6 the vote open. Our Speaker is on her way and
7 congratulations to Ms. Silie and her mother, who
8 is here present, supporting her. Thank you.

9 ERIC STEVENSON: Members, please
10 sign the Committee Reports, please.

11 [Pause]

12 ERIC STEVENSON: Speaker Quinn.

13 SPEAKER QUINN: I vote Aye.

14 ERIC STEVENSON: The vote now
15 stands at 13 in the affirmative, no negative, no
16 abstentions. Oddo.

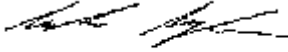
17 COUNCIL MEMBER ODDO: Yes.

18 ERIC STEVENSON: The vote now
19 stands at 14 in the affirmative, no negative, no
20 abstention. Motion carries.

21

C E R T I F I C A T E

I, Erika Swyler, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  _____

Date December 28, 2008 _____