



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

February 26, 2009

PUBLIC NOTICE

Notice is hereby given that The Board of Elections in the City of New York will conduct the canvass and recanvass of ballots cast in the February 24, 2009 Special Election in the 49th Council District pursuant to the provisions of the New York State Election Law, the Notice to Candidates dated January 27, 2009, the Order to Show Cause entered in New York State Supreme Court, Richmond County [In the Matter of Tabacco, et.al. v. Board of Elections, et. al, Index No. 080063/09] and the Board of Elections duly adopted Canvass Procedures (Part 4 of the Board's Polices and Procedures) [copies available for distribution upon request and can be found on the Board's website] at the Staten Island Office of the Board in accordance with the following administrative guidelines:

HOURS OF CANVASS & RECANVASS

The canvass and recanvass will commence on Wednesday, March 4, 2009 at 10:00 AM. The canvass/recanvass will be conducted on a daily basis until conclusion in accordance with the following schedule:

10:00 AM to 2:00 PM - First Session
2:00 PM to 2:30 PM - Lunch Break
2:30 PM to 7:00 PM - Second Session

CONDUCT OF THE CANVASS & RECANVASS

At the commencement of the canvass and recanvass on March 4, 2009, the Board, in the presence of the duly appointed watchers or attorneys for any of the candidates present, will review and open those Election Day materials for several Election Districts that have been returned to the Board in a manner other than that prescribed by the Board.

Following the disposition of those materials, the Board will commence the recanvass (or canvass in those instances where the Board of Inspectors did not conduct the initial canvass on Election Night) of the paper ballots cast at the poll site by the voters (including any marked by the ballot marking device.)

The Board will conduct this part of the recanvass (canvass) using the services to two central Boards of Inspectors. Candidates are advised to be prepared to have a sufficient number of authorized watchers or attorneys present to staff these two Boards of Inspectors.

Each candidate shall designate a principal representative at each table who is empowered to make objections on behalf of the candidate. That person may be assisted by note taker. In addition, each candidate will be permitted to have two additional watchers present at each table conducting a canvass for a total of four persons per candidate.

The Board will conduct the canvass of absentee, military, special and affidavit ballots immediately following the conclusion of the recanvass of the Election Day paper ballots using the services of a single Board of Inspectors.

In accordance with the Court's Order, in the event that the Board of Inspectors determines that a ballot shall be canvassed, notwithstanding the objections made by any candidate, the Board will make a copy of said ballot and insert the same into the ballot envelope and reseal said envelope (preserving the ballot for judicial review) and count the ballot.

{This action is consistent with the procedure prescribed in the order entered in O'Keefe v. Gentile [1 Misc 3d 153; (2003); Sup. Ct., Kings County, Justice Tomei] [Also see: King v. Smith, 308 AD2d 556, App. Div., 2nd Dept. (2003)].}

COPYING OR INSPECTION OF MATERIALS

In accordance with the Board's Canvass Procedures and the Order of the New York State Supreme Court, Richmond County, the Board will produce for inspection and/or copying the materials set forth therein upon the written request of a candidate and/or his/her Counsel. Said request should be submitted to the Chief Clerk and Deputy Chief Clerk at the Staten Island Office.

The Staten Island Office of the Board will be open for public inspection of materials during regular business hours of 9 AM to 5 PM, Monday through Friday, on the days before the commencement of the paper ballot canvass.

INQUIRES

All inquires regarding the conduct of this canvass and recanvass should be directed to:

Shelia Del Giorno Anthony Andrulli
Chief Clerk Deputy Chief Clerk
Staten Island Office
Board of Elections in the City of New York
1 Edgewater Plaza, 4th Floor, Staten Island, NY 10305
(718) 876-0079

All legal notices or related matters are to be served on:

Steven H. Richman
General Counsel
Board of Elections in the City of New York
32 Broadway, 7th Floor, New York, NY 10004
(212) 487-5338