

**Approved**

**Minutes of The New York State Board of Elections  
Tuesday, January 10, 2006**

The regular meeting of the Commissioners of the New York State Board of Elections was called to order at 12:15 p.m. at the office of the New York State Board of Elections, 40 Steuben Street, 4<sup>th</sup> Floor, Albany, New York 12207. Commissioners present were: Co-Chairman Doug Kellner, Co-Chairman Neil Kelleher, and Evelyn Aquila . Staff present were Peter Kosinski, Stanley Zalen, Todd Valentine, Anna Svizzero, Lee Daghljan, George Stanton, Michael Johnson, Pat Murray, Pat Tracey and Bill McCann. Guest sign in sheet is attached.

**Minutes of December 15, 2005** - tabled

**Unit Update:**

- **Legal Unit:** Mr. Valentine reported that the 45 day comment period for the machine regulations will be over on Monday, January 23, 2006. At that time, a final review and segregation of all those comments will be made by staff. A memo of a synopsis of the comments will be provided to the Board Commissioners. The Chairman had assumed that this synopsis would be made available at this meeting but it will not be made available until later. Todd also stated that the transcripts of the public hearings will be made available when received and will then be posted on our website. Commissioner Kellner also stated that he and the other Commissioners should have access to all public comments, testimonies and e-mailed comments.
  
- **Election Operations:** Anna Svizzero reports the unit is busy with receiving and reviewing the comments about the regulations and also preparing the time frame for the certification of machines. She also stated that all the post-election data collection and certification has been done. She expects there to be 7 new special elections. She presented a time line that she and her staff have developed as requested by the Board Commissioners and that document is attached. Commissioner Kellner stated that he felt the time line was unacceptable as there isn't enough time after receiving new machines to enable the counties to prepare for the election. The time line will be reworked. Mr. Kosinski asked Anna how long it would take to certify a machine. Anna responded that it would take about 30 days for each machine. She felt that with an increase in staffing, they could do two machines at the same time. Commissioner Kellner asked her if we had a protocol at this time on exactly what the procedure will be. Anna responded no, but will have a protocol when the machine is delivered. At that time a test plan will be devised for each particular machine. Anna stated that Ciber, Inc. is the independent testing lab and at this point Commissioner Kellner stated that he needs copies of any plans that have to do with this process. Mr. Kosinski asked Anna if the vendors are indicating when they will be delivering machines. Anna's response was no but she felt that Sequoia, Liberty and

ES&S are the only three machine vendors that she has ongoing relationships with and that there could be others bringing machines.

- **NVRA/PIO:** Lee Daghlian reported that his office is busy accepting and copying e-mail requests particularly for comments on the regulations and machine purchases in general. He also stated his unit are very busy answering phones along with the additional work required because of the filing of local filers for the campaign finance system. He also stated that the authorized execution of the application for the state fair in late September has been done.
- **ITU:** George Stanton stated that we appear to be ready with the local filing system and that they had already received some early filings . He also stated that the patch set up with New York City Campaign Finance Board seems to be working fine and that there is compatibility. George also stated that there is a new mapping system that was developed by Caliper Corporation that is up and running on the web site. This is a system which the public can use to look up their elected officials and also locate district maps. This system has a lot more information available to include demographic information. George also stated that in his work with Gartner, that they have set up several committees for work on the database base, the governance, the policy committee, which will be meeting in Cooperstown, NY, a standards committee and also a grants committee. He stated that he's been in touch several times with Washington State on how to transfer their system to New York State. They will be meeting in Washington State on January 31, 2006 to specifically look at the system in King County in the Seattle area, to make this transfer happen. He's also setting up a road map to use when developing our system to highlight the areas where a Board decision is required so that everyone is on the same map. George is also devising a temporary interim solution to meet the requirement that there be a statewide database in place for the primary in September. He's attached a memo which outlines what he feels we can do to meet that requirement. There will be some extra costs for the software and licensing that could approach the \$100,000 range. Commissioner Kellner stated that we will need written rules and regulations for this interim plan as well as the final solution.
- **Enforcement/Campaign Finance:** Michael Johnson reported that there has been heavy support and communications from local filers who are complying with the requirements of New York State law. His staff is extremely busy answering calls and providing the proper answers to local filers. We will be able to view on our website local filers and search for them by office and county. There are a few issues to be addressed in New York City regarding compatibility.

**Old Business:** There was no old business.

**New Business:** There was no new business.

- At this point, Barbara Murphy, a guest at the meeting, requested to make a public

comment. She was granted a few minutes and she supported the Optic-Scan voting machine. Since she had already given testimony at a public hearing held by the Board, the Commissioners asked her to keep it brief.

The Board moved 3-0 to move to Executive session at 1:20 p.m. to discuss cases and any personnel matters.

**The Executive Session adjourned 2:20p.m.** Cases were discussed and voted on. There were no personnel matters discussed.

**Preliminary Determinations**

CMP04-03 - closed  
CMP04-09 - closed  
CMP04-29 - open  
CMP04-35 - closed  
CMP05-26 - closed  
CMP04-69 - tabled  
CMP05-06- closed & CMP05-07 - tabled  
CMP05-11- closed

**Complaints Without Preliminary Determination**

CMP03-18- closed  
CMP04-24- tabled  
CMP04-70- closed  
CMP05-47 -closed  
CMP05-75- closed  
CMP05-76 -closed

**Final Determination**

CMP04-39- closed