

Approved November 29, 2007

Minutes of The New York State Board of Elections
Thursday, September 20, 2007

The meeting of the Commissioners of the New York State Board of Elections was held at the Board's offices at 40 Steuben Street, Albany, New York in the 4th Floor Conference Room. The meeting was called to order at 12:00p.m. The meeting was chaired by Commissioner Douglas Kellner. Also, present were Commissioners Neil Kelleher, Evelyn Aquila and Commissioner Helena Moses Donohue. Staff present were Peter Kosinski, Stanley Zalen, Todd Valentine, Elizabeth Hogan, Paul Collins, Anna Svizzero, Lee Daghlian, Bob Brehm, Allison Carr, George Stanton and Pat Tracey. The guest list is attached.

Minutes of the August 16, 2007 - approved unanimously

Unit Updates:

- **Legal Unit:** - Todd Valentine reported:
Paul Collins today has joined the State Board staff as Deputy General Counsel
Response to the Justice Department and the Court about HAVA is due on September 28, 2007.
There was a motion to reject a declination that was filed late. **The vote was unanimous to reject.**
- **Election Operations:** Anna Svizzero reported:
The unit is still working on HAVA compliance issues in response to the Department of Justice.
Wrapping up room storage procedures concerning voting equipment with NYSTEC.
Working with NYSTEC and voting system vendors on acceptance test dry run events and to review hash code checking procedures.
Setting up demonstrations of voting equipment.

Campaign Finance: Liz Hogan reported:

Unit is working on several projects that have been in motion for some time including the over-contribution programs for corporations for '05 and '06.
Lawsuits for the July '07 non-compliant filers.
Created a dedicated e-mail address for campaign finance to enable filers to move directly communicate.
Working with OGS on a process server RFP.
HAVA complaint procedure is in its final stages of development.
The unit is continuing to make suggestions and work on compliance procedures for the approximately 8,700 filers in the campaign finance system now, up from 1700 in 2005. That is a continuing effort.
The hiring process for additional people to assist in that area is ongoing as well.
Commissioner Kellner asked about the status of either a regulation or some other

notice to county boards of elections to eliminate local filing requirements. Elizabeth Hogan responded that the issue was still being discussed.

- **NVRA/PIO:** Lee Daghlian reported.
State Fair project was very successful and the registration of new voters and changes of address and enrollment process was somewhere between three and four thousand
Training for NVRA has started. Both Greg Fiozzo and Deirdre Hammer will be splitting that up with Greg Fiozzo taking down-state and Deirdre Hammer - upstate. It will be ongoing for the next two to three weeks.
Waiting contract approval for the Poll Worker Training Program and Voter Education Program.
The county funds program is ongoing and a report has been given to the Commissioners.
- **ITU:** George Stanton reported on the following:
Mr. Stanton responded that all sixty-two counties are now using the new NYSVoter system.
There was some discussion about audit procedures. Also, vendors with the contractors that the counties employed for the database have been approved except for ES&S. They will all be going to the Comptroller for approval.
Saber has taught staff of IT unit to monitor the system. It is very complicated and there is a lot to learn and staff will have to do that once Saber is no longer here.
Saber is also working on web enhancements for voter look-up and polling place location.
Mr. Stanton also reported that he would have to redo the Annual Technology Plan (ATP) for this year to accommodate the OFT's request that all technically related operations be included, not just IT units. That would mean that, for example, the poll worker training should be within that. In response to Commissioner Kellner's question, Mr. Stanton also said they are continuing to work on updating the campaign finance computer system so that it would be platform neutral and would allow any computer system to have the same access.

Introduction of Don Wart, Chair of the Executive Committee of the New York State Election Commissioners Association presented a report from the association concerning purchasing ballot making devices in the future for use by the counties. The report is appended to the record.

- **Old Business:** there was no old business to report
- **New Business:**
Discussion of the amendments to Part 6210 of the regulations, concerning routine maintenance and testing of voting systems, operational procedures and standards for determining valid votes. It was moved that the Commissioners authorize publication of 6210 up to section 18 for comment. **The vote was unanimous.**
It was moved that the additional time for comment on section 19 of Part 6210, which has already been in public view be extended to the same date as the remainder of Part 6210 - **the vote was unanimous for that also.**
Pat Tracey presented the 2008-2009 board budget. After discussion, and an announcement that there would be a side letter submitted with this budget

indicating there may be a need for additional funds, it was so moved that this budget be approved by the Commissioners as submitted. **It was so moved and the vote unanimous to approve.**

There was a discussion of the state board response to the Department of Justice and the federal court for the completion of HAVA.

Discussion on how to proceed with RFP and contracts for Lot 1 - Plan A Voting Systems and Lot 2 - Ballot Marking Devices took place.

It was decided that a CEMAC (Citizen's Election Modernization Advisory Committee) meeting be scheduled for September 27, 2007.

The county compliance with poll site accessibility regulations was discussed. Mr. Daghlian and others recommended that an informal complaint procedure be set up with the disability community to make sure that polling place accessibility has been finalized in every county.

Open Source Voting was tabled to next meeting.

Nominations for the Citizens Election Modernization Advisory Committee were filled by the state board. Those nominated by the Democrats were: William Frucci, Reginald LaFayette, Bruce Darling, Janet Weinberg and Bo Lipari. Those nominated by the Republicans were: Peter Quinn, Don Wart, Gregory Jones, James Conlon. **It was so moved that all names be adopted and the vote was unanimous to accept all the nominations.** A list of all members is attached.

Per the Chair, it was not necessary to go into Executive Session to discuss cases. The cases were voted on. **All votes were unanimous and the case numbers are attached.**

It was decided that the next board meeting would be held on Tuesday, October 16, 2007.

The board adjourned at 2:40 p.m.