

>> All right.

I call the meeting to order.

Our first item of business is as the Board of Canvassers to certify the results of the special election, in what is it, 93rd assembly?

84th assembly district.

That's Kenneth zambrosky, was elected to the assembly in the special election.

Those in favor of the certification say aye.

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>> Ayes heard.

>> There being no further business, the canvassers will sign the certificates and then we will commence the meeting of the commissioners of the state Board of Elections.

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>> Okey-doke.

There is another sheet here.

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>> Need a pen.

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>> Peter?

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>> Have everybody sign.

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>> Thank you, Peter.

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>> So we will call to order the meeting of the commissioners of the state Board of Elections.

Have our guests identify themselves, please.

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>> Guests.

>> Terry with our staff.

>> (Inaudible).

>> (Inaudible).

>> (Inaudible).

>> Association of counties.

>> Dennis with Arise.

>> Amy, New York state league of women voters.

>> Thank you, welcome.

First item of business is the approval of the minutes of the last meeting.

>> I make a motion that we table.

>> Second.

>> Those in favor of tabling.

Say aye.

(Ayes heard.

>> Opposed?

Minutes are laid over.

Next item of business are the reports.

Anna for election operations.

Those first?

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>> I'm first?

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>> Sorry, Todd, go ahead.

>> **Todd Valentine for legal.**

>> TODD VALENTINE: First of all, the governor had signed the bill to change the primary election from September 11 to September 18.

That calendar is on our Website, posted this morning.

Notice of course went to the county boards of election as well this morning.

We did go on record as was requested at the last board meeting opposing the bill for the reasons stated.

>> I supported it.

(Chuckles).

>> You didn't vote.

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>> I know I didn't vote.

>> That was specifically mentioned.

>> I spoke in support of it.

Yes.

>> TODD VALENTINE: But again, the governor signed it.

That has gone forward to notifying people.

The second thing is we continue with our updates in the Justice Department with regards to our or their lawsuit rather, that has been sitting in on those conference calls, the last one we had, and two before that.

One before that.

As well as the Attorney General's office.

And two things for old business.

One is we also discussed last week the language with regards to changing chapter 181 of 2005 with regards to the ban on lever machines set to take effect this fall, as well as the one site disability requirement which is in effect now.

That is for old business.

That's coming back.

As well as the regulations they would technically be 6210.19, which would be referred to them generically as air regulations.

Deidre has been working with the, Deidre and Bob working with the office of regulatory reform and they informed us I believe in no uncertain terms, I don't know the exact language, that they were requesting that some very minor amendments be made to the drafting.

There is no substantive changes to it.

Although they didn't confirm that until late last week but they confirmed they wanted that.

Demanding it before publication.

What we need to do and this is old business, we need the board to (inaudible) ask the board adopt those regulations at that point.

Are there any questions?

>> Anything else?

Thank you, Todd.

**Anna for election operations.**

>> ANNA SVIZZERO: I provided something in the board packets that brought you up to speed with what we had been doing since the last board meeting.

I can comment further, we had our contract advisory committee meeting, committee met yesterday by phone, the office of general services was here in person.

We spent about three hours on the phone going through the first portion of appendix B.

We got about halfway through it.

We are up to section 56.

There was a lot of consensus and a lot of good conversations.

So we are going to meet again tomorrow morning at 10:00 by conference call.

We are hoping to get through this at least one time so that everybody's comments are on record and OGS, where they agreed to make changes can begin to work on those so we begin looking at a clean document.

The counties that are involved in that aside from New York City are saint Lawrence, Monroe, Franklin, Suffolk and Saratoga.

And everyone except saint Lawrence participated in the call yesterday.

They had an issue at the office to deal with.

We have two new staff people joining our team tomorrow.

Bob Warren is, has some great technical skills and he also has some great projects management skills.

We are hoping that he will be a good mentor for the group, and we can work on the cohesiveness of the work that is going on, so there can be a more organized way of presenting it to the board and to others, and that we can make more forward progress in all the tasks that we have.

We are, we have a young man named Shawn who is joining the staff from a technical perspective, but he has done acceptance testing, gap analyses, and other tasks similar to those that were, that we are requiring of our team in election ops.

The political calendar, we worked on with Todd's unit.

That has been addressed.

We have counties looking for that and in the absence of that, we have been as supportive as we can be in their preparation of tasks for the coming year.

I'm not sure, we had our vendor conference call, and that again raised the issues of source code and what kinds of conversations are happening to further the resolution of that topic.

We have another conference call scheduled for the middle of June.

The RFP for the selection of a new independent testing authority was delivered to us.

There are two firms that have responded even though three firms sent letters of intent to respond.

We are planning on site visits for the middle of June to visit those labs, and we also have plans to visit the subcontractors that those proposers have identified.

We are working on those logistics with our own staff here and the evaluation team and OGS to make sure that all of those processes are documented and that we make sure that everything is addressed that needs to be addressed for that evaluation.

We continue to review procedures with Nystec, and have weekly status meetings with them.

I believe, any other outstanding issues?

We shared documents with you, the update of inventory that was requested at the last board meeting, and also a report on the status of the affidavits relative to political contributions by the vendors.

They were provided to you.

We also have plans to speak to the enforcement council on an issue raised at the last session with regard to political contributions.

We haven't had the opportunity to do that with the enforcement council office but Allison and I intend to discuss that issue with them.

>> Microsoft..

>> ANNA SVIZZERO: We have sent Microsoft additional questions to try and get additional information on the shared source initiative that they have, that they were offering us perhaps an option to the escrow issue.

We did share some of those responses via E-mail.

We have copies of, if anyone needs copies of the responses to the initial questions that we asked.

We asked them a couple more questions yesterday.

But I don't think we have gotten answers to those yet.

That brings us up to speed on election ops.

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>> Anyone have any questions?

Anna, has anyone in election operations been assigned to work on the report to determine the options with respect to undervotes on off scan equipment?

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>> ANNA SVIZZERO: No.

I did collect the additional information.

I should have pointed that out.

The report that we had for the nationwide survey that we did indicated that Nevada had that option on their ballot and I did have a sample of that language provided to us.

Also, in Florida there was state legislation pending but it did not pass.

But they did provide that language as well.

I did ask Terry to update that chart and we have provided it to the board.

But we were not asked to do any research beyond that original survey.

>> Peter and Stanley, I would remind you of the resolution that the commissioners passed at two meetings ago, and that I would still hope that that report would be assigned, and would be done, so that we can make a reasoned recommendation on what to do about the undervote device on the voting machine, on the optical scan machines.

Evelyn?

>> I suggested to Stanley, rather than our staff because they are so exhausted with all that work that maybe he could call Albany law school and ask one of the professors there to give us a legal opinion about the undervote.

I personally don't like the undervote.

You know that. But to go by what I think or somebody else thinks, I thought maybe not bothering our staff who are so heavy with work, to ask one of these, somebody over there, if you know someone else like that, a professor from one of the law schools, give us an opinion.

And that doesn't mean we have to follow what they say.

But at least we would have some kind of an answer to maybe undervote.

I think the undervote is unfair and un-American.

But there are other people who have good reasons opposite my opinion.

I thought, we said it should be lawyers who should give us that opinion.

And if you and Stanley are comfortable with that, maybe you can call one of the universities here, and ask one of the professors or the deans to give us an opinion.

That is what I would like to happen, if it's, if everyone is agreeable to it.

>> I sense there is a couple issues.

One is legal.

One is policy.

Todd and I have spoken about the legal aspects of this.

Todd has done some looking at the statutes vis-a-vis how legally a change like that would have to be enacted, whether we can do it or the legislature has to do it.

But I guess the other issue is whether there is a policy consensus on whether or not we want to do it or whether we think it's a good idea to do.

I think that is a separate question from exactly how we do it.

I guess those two issues, I don't think the law school would help us so much with the policy.

>> No.

>> The legal stuff, Todd has started looking at.

I'm hopeful we can get that settled and then I guess we have to address the policy issue about whether people are, whether there is any consensus about changing the way we do it.

As you know, we already do have a policy of notifying the voter.

Now we are discussing the possibility of changing that policy from notifying the voter to having the voter potentially take an affirmative act in determining, before they insert the ballot, that they have affirmatively stated we do intend to undervote.

That is a policy consideration.

I guess the board would have to consider whether that's -- I know you expressed your own positions on that.

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>> Yes.

>> I think that is well put, Peter.

I think there are studies that various good government groups or think tanks have done, and that the literature ought to be assembled, and certainly with Anna, what Anna has reported on is a start to find out what other jurisdictions do.

But that doesn't necessarily mean we should just follow them because other people do it if there is a better way.

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>> Something that came to us, I should have kept it, but they indicated one of the states now has withdrawn that.

They won't ask for it anymore.

And they had asked for it.

I'm thinking it was Illinois.

But I'm not sure.

On the undervote, that they stopped it.

They took it off their machines.

People were unhappy with it.

They took it off.

But I couldn't swear that is the state right now.

I'll look again at home through the things I've received.

Maybe I'll find it.

But if there is no problem if Todd is willing to do the work.

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>> Todd has done some work already (overlapping speakers) I was thinking if we could get an outside person, we will be comfortable with, take advantage of it.

>> I understand.

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>> Anna, I did see the report that you had prepared on the state of the written applications that the vendors have submitted for certification.

Is it my understanding that based on that report, that no vendor has a complete application at this time?

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>> ANNA SVIZZERO: Allison has been reviewing that process.

We are not done with it yet.

But I'd prefer Allison spoke to that.

>> Allison: No vendor has completed an application yet mainly because of the litigation requirement, under 6209.

Well, a couple reasons.

The requirement of all past and pending litigation pursuant to 6209.4 subsection J, that requires the disclosure of all court cases, no vendor has supplied that yet.

I've reached out to every vendor and told them that I would like them to submit their court information, case information by the end of this week.

Every vendor has responded to me saying that they will have it to me.

In the meantime, I did my own legal research through Pacer and through west law to gather every case I could find including each of the vendor's names that we are dealing with currently.

I have my own stack of litigation to compare it against.

Last year, on June 16, 2006, dibold did submit a letter including some court case information about five cases they had been involved in.

One was patent infringement.

One was tax issues.

Nothing involving fraud with the voting machines except for the State of Ohio case where they were accused of stating that their machine could not be hacked into.

Apparently erroneously.

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So, we do have that.  
But that is not conclusive.  
I have a couple more.  
As long as they all submit it, and we have a stack of information here, that would complete their application requirement with regard to litigation.  
Of course, we still do have the application requirement that all vendors escrow every piece of source code.

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>> What about the TDPs, and manual?

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>> That is another issue.  
It's hard to judge this.  
What we have done is asked each vendor in vendor conference call to submit a new technical data package.  
Since testing stopped, every vendor has been working on their machines.  
Therefore, their technical data packages have changed as well.  
We do need an updated one.  
If we get going with a new IT A or even if we start a backup, need a new TDP.  
I'd like to start that from scratch.  
At this point, have you gone through each of the requirements of the regulations for the submissions and notified the vendors of what's missing?

.  
>> That is what we are in the process of doing.  
Also as far as technical data packages go, that will be a requirement of the ITA to review the technical data packages for deficiencies, let us know what they are and make sure vendors comply with those.  
>> Good.

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>> A quick information question for Allison.  
You said, or cyber.  
Are they going to be recertified?  
Have we heard anything?

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>> I've heard nothing.  
It was interesting, this morning I received an E-mail from Shawn Southworth, formerly with cyber and is now with wily Labs giving us information on where they are in their status, Wily labs as far as becoming a voting system laboratory, VSTL.  
They were hoping to submit all their paperwork by July.  
I did forward that E-mail around to everyone here.  
But no, I have no idea where Cyber is.

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>> Thank you.  
>> You're welcome.  
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>> I think that's, well, Anna, with respect to the excess campaign contributions that were made by the Diebold affiliate and not disclosed, so what exactly is the plan?.

>> ANNA SVIZZERO: Allison and I will meet with Liz to find out how we can draft a letter, should it come from enforcement or election operations, so that we don't step on each other's toes and not necessarily impact an investigation that they may get into. But that we end up with the correct information.

>> (Inaudible) before the next meeting, we hope.

>> Yes.

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>> Is that report that Allison prepared confidential?

Is there anything on it that is proprietary?

.  
>> Sorry,, which report?

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>> Litigation?

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>> No.

The report of the submissions.

>> Are you talking about this one?

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>> Yes.

>> Allison: I did not prepare this.

I reviewed it for accuracy.

I don't see any reason -- I'm not certain.

Could we have a little time to look it over?

.  
>> Okay.

>> It's a hefty document.

Before I say yes, I'd like to make sure.

>> That is why I asked.

>> Cover sheet in the past has been made public but documents attached to it, we have not made public.

>> We should review it.

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>> I would appreciate that.

Then any other questions for Anna?

**Then we will turn to Lee Daghlian for public information.**

>> LEE DAGHLIAN: There was a couple memos in your packet that probably should come up under new business, unless you want to do them now.

Other than those things, going along with the unit on our normal business.

The county funds group has answers from the E A C about several issues we asked about and we are in good shape there.

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The NBRA, and unit and Anna's unit completed a report to the EAC, which has to make a report to congress about enrollments and registration and other data that we have.



It took a while to do it since we didn't have some of the data electronically.

But they have it all now.

They are preparing that report.

That is something new apparently we have to do every year now.

It used to be every two years, that would report to FEC.

The state fair program will start shortly.

The planning for that, we still have a 30-foot space at the state fair at the same location, since we probably won't or I know we don't have machines to show we will probably do the same thing we did last year which was signage and photos that show what machines that have been submitted to us look like, the names of them, and use the space mostly for educational purposes and registration and enrollment of voters.

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Again, that is mid August to over the Labor Day weekend, I'll be calling on folks to volunteer again.

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Let's see.

Our RFP for the training, we should bring that up under new business, I believe.

Bob, got anything else?

Other than the regular business of the PIO, and answering questions about when the political calendar will be published, not much else to talk about.

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>> Lee, could we have the dates of the state fair and the place?

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>> LEE DAGHLIAN: Yes.

I don't have it in front of me.

But I'll get that for you before the meeting is over.

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>> Okay.

I think for the public too.

It's in this -- where is it being held?

.  
>> Syracuse, as usual.

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>> That is what I thought.

>> LEE DAGHLIAN: State fair grounds.

We will get you the dates now.

>> Thank you.

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>> Lee, is one of the items of new business the video casting of the meetings?

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>> LEE DAGHLIAN: Yes.

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>> All right.

I'll save my questions on that until then.

Then, any other questions for Lee?

**I will turn to Liz Hogan for campaign finance.**

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>> ELIZABETH HOGAN: The seminars on campaign finance issues is basically in the middle of the schedule at this point and set to conclude on June 27.

Filings project since the conference on May 1, and after staff enlisting the assistance of the county boards, the noncompliance figures are down by 19 percent.

Staff is working with IT, drafting and getting ideas to draft a memo to the county boards regarding local candidate information, so we can incorporate that into our database.

The 2005 overcontribution reviews, that is in the final stages, and expected to be concluded in July.

Staff is beginning a review of the '06 overcontribution statistics.

We expect that to be under way in August.

I understand that there are some suggestions to be forthcoming regarding the methodology that we use in looking at these overcontribution issues, and I've discussed with you, commissioner, that we would be having Phil McCann, myself, Patty Lloyd, our associate accountant would be happy to sit down and discuss with you any ideas that you have to make this a more efficient and effective process.

It's my understanding that the issue with the Vista compatibility has been resolved by IT.

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I can't tell you the technological issues that were resolved.

But it's my understanding that that has been completed.

Regarding the bill that's pending in the legislature, as to web-based filings, I complied with your concerns that you voiced at the last meeting, in terms of funding, should we receive a mandate from the legislature, and I have one other issue that I could bring up at this point.

And that is that we are looking at new hiring in the unit, and we have set forth a rough enumeration of job duties to apply to six new positions that we are potentially interested in filling..

They are two associate attorneys positions, two auditor positions, and then two other positions that, for want of a better title, I think we called election specialist or technologies specialist or something of that nature.

.  
And while we haven't definitively agreed on what the duties within those job descriptions would be, we are in agreement that those specific positions be considered to be filled.

I think that's it.

.  
>> Any questions?

I think I'll wait until new business to discuss my proposals about corporate campaign contributions and how we should follow through on that, unless you want to do it now. And it would be just to discuss it, we wouldn't vote on it today.

.  
>> I think it should go under new business.

>> That's fine.

Okay.

**Next then is George Stanton for ITU.**

>> I'm pleased to announce that the statewide voter database project is going along pretty much on schedule.

Since we last spoke, the hardware and software installations have all been completed, configurations have been completed.

The virtual private network to the backup site has also been completed.

We spent about the better part of two weeks with Microsoft engineers and Sabre engineers and everybody stress testing the system, to see what kind of load it would bear. It can handle I think anything that the counties can throw at it.

We did a complete failover testing to the backup site, to test the procedures, to see if they worked and brought it back to the main site.

That all went smoothly.

The second time around.

Pilot county data migration is complete.

We have 7 pilot counties now in production on the database.

They have been working for two weeks.

Very few issues have been brought up.

In fact, we don't hear a lot from them unless we ask questions.

Things seem to be going very smoothly in that regard.

Nonpilot county data migration is being worked on.

Quite a few of them are already from the NTS counties and they are working on those.

We have done compliance testing on most of the systems.

We have two more to test in the first and second week of June.

And by middle of June, all of the potential systems in New York state will be compliance tested.

We are scheduled to begin full rollout beginning with the region 1 N T S counties next week.

I believe they start their training on Monday.

And following the training, we will be rolling those into the system.

We are just beginning to review our staffing requirements and security procedures for the order system to make sure we have adequate staffing and procedures in place to make sure that everything is protected and run smoothly on a daily basis.

We are still contracting with the NTS, and Hamer, those contracts are at OGS, and being worked on by them.

We have been negotiating with ES and S and I believe have arrived at a fair and reasonable statement of work from them and regarding those kinds of things, I have several issues today that we are going to require board action.

I don't know if you want to do those now or later.

It's entirely up to you.

>> Why don't you run through them, George.

You are the last one.

>> GEORGE STANTON: Well, we will do them, break them into sections.

We will do the easy ones first.

The first one are the compliance tests for he is ex, Suffolk -- Essex, Suffolk and New York City have been completed.

I would request the board approve those systems for compliance into the voter system.

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>> Specifically why is board action required on that?

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>> It's in the regulations.

>> That is a good answer.

(Chuckles).

>> Those in favor, say aye

(ayes heard).

>> Opposed?

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>> GEORGE STANTON: The second is, I have a request for reimbursement for expenses to do with the interface from two of the independent counties.

One from Essex County, for \$39,214.97, and one for, from (inaudible) \$49,974.80 and those are personnel costs only.

Essex County asked for reimbursement on hardware, also.

But I told them we didn't reimburse for hardware to the counties because we haven't for anybody else.

Those are personnel expenses.

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>> If we project this statewide, will the numbers be comparable?

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>> GEORGE STANTON: The only other independent county left is Suffolk County. I haven't heard from them.

But I think it would be comparable.

It would be in the \$50,000 range.

We have some of the --

>> You have New York City, right?

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>> GEORGE STANTON: That will fall in the next category that we need to talk about.

>> Those in favor of skoherry and Essex.

Say aye

(ayes heard).

>> Opposed?

That's approved.

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>> GEORGE STANTON: Next thing is reimbursement plan that you have a memo from the steering committee.

That is reimbursement plan for the, that covers Delaware county, Clinton county Putnam county and saint Lawrence county and New York City.

Those are, that is the memo that, giving the counties a maximum of \$100,000 for up to 500,000 registered voters and \$250,000 for 500,000 voters and over per system.

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>> Any questions?

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>> Is that New York City?

.  
>> Yeah.

>> GEORGE STANTON: This is just to approve the dollar formula.  
There have to be contracts with each of these individuals.

>> I was thinking that New York City has some high number of voters.

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>> GEORGE STANTON: But it's still over 500,000.

>> It is.

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>> I think they have indicated that it's still would come in under this number.  
Which is why some of the smaller county numbers are so extraordinary in comparison.

Those in favor say aye

(ayes heard.

>> Opposed?

That's approved.

>> GEORGE STANTON: The last item I have is seeking permission for the board to continue to, with OGS, negotiate a contract with ES and S data services in the amount of seven en100,000 -- \$700,525,000 to develop the interface for eerie, Nassau, Westchester and Wyoming counties.

.  
>> George, I'm troubled by these numbers.

The 700,000 figure is way above the formula that these counties would get, that we just approved for the rest, right?

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>> GEORGE STANTON: No, it's not.

It's lower.

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>> It's 150,000 lower.

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>> GEORGE STANTON: Westchester, Nassau and Erie would have got a quarter of a million dollars.

Wyoming would have got 100,000 under the formula.

Q. In that case --

>> GEORGE STANTON: It's a quarter of a million dollars lower than their original proposal.

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>> The steering committee is recommending it?

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>> GEORGE STANTON: Yes.

>> George, was this the meeting you were having after we left the conference?

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>> GEORGE STANTON: Yes.

We have had subsequent meetings since.

>> I knew that you were working on this.

>> GEORGE STANTON: We have them down to --

>> Seemed like it was going to be an impossible task.

I congratulate you.

.  
>> GEORGE STANTON: Thank you.

We worked hard on it.

I can tell.

--

>> I can tell.

>> Those in favor say aye

(ayes heard).

>> Opposed?

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>> GEORGE STANTON: I'd like to say, E S and S on the weekly technical calls is making terrific progress.

We are going to do compliance testing on their system in two weeks.

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>> That is great.

>> Thank you.

>> GEORGE STANTON: The only other thing I have is a little bit, Elizabeth mentioned we have been talking about campaigns' finance issues. There are issues with our fightous system not being able to tie in with the county petition systems and those kinds of things.

We have been looking at that a little to identify some of the issues.

I'm not sure the Vista issue is completely fixed because there is six different versions of Vista.

It depends on what somebody is using.

We don't really know.

I think it's a fix for some of them but not others.

We are looking into rewriting our software, one of the ideas that we have come up with, is rewriting it in Java, which works on anything, including a Mac.

We are looking seriously into doing that.

But more importantly, I've been trying to identify ways to leverage work from Gartner who we have under contract with the hava project since the hava project is going so well. I think we can move some hours with the board's permission, of course, away from them spending it on Hava and have them do initial looking at the campaign finance and cappous systems to help us do analysis and gap analysis and recommendations of where we can go.

Then from there, we can decide whether we want to do the work in-house or write a RFP.

I think I can probably squeeze about, somewhere between 40 and 50 days work out of, that I don't need them to do or may not need them to do on Hava into the fightous.

The only difference is, it would probably require a scope of work change and the money would have to be billed to a nonhava funds because it's for Fittous.

With the board's permission, I can look into that further.

>> The purpose would be to explore methods of filing from computers that don't use Microsoft?

.  
>> GEORGE STANTON: That is one piece of it.

The other piece is, we have other issues within our system that have to be fixed because of the local filings.

One of the things is that with statewide filings, we can pull the information directly out of the petition system and into the Fittous system so we know who has to file.

We can't do that with local filers.

We need a way to do that more efficiently.

There are several areas we have found that we need to dweek the system -- tweak the system.

>> Part of it is that our own internal system doesn't work well.

We have many problems with our cap systems, petition system, talking to the Fightous system.

It's inefficient and leads to lots of staff time to try to work with it.

We have wanted for years, frankly, to redo I would say the cappous and fightous systems to even work internally.

When you add on top of that the local filers with it, I think there is a real opportunity here to recast the whole system in a way that works better for us both internally and externally.

I have a question.

How much money do you expect this would cost for the 40 to 50 days?

.  
>> This is money we have already contracted for.

>> I understand that.State money instead of hava money.

I'm curious how much state money we would have to devote to this.

>> GEORGE STANTON: I'd have to, I can't do the math in my head but 50 days at about \$300 an hour is what it --

>> It's a significant --

>> GEORGE STANTON: Significant amount of money.

>> We have this kind of money left in our budget for this purpose?

As far as for this year?

.  
>> GEORGE STANTON: I have to verify that.

.  
>> Maybe we have to do a little homework.

>> We need to look at the budget issue before we commit to this.

>> GEORGE STANTON: I'm just looking for --

>> I understand.

We have to analyze the state budget to make sure we have sufficient funds to devote to this, if you agree to this.

But we have to do that separate from this.

>> Some the most efficient way to get that task done?

.  
>> My view is Gartner has been a good resource for us on the Hava project.

I think we have a good working relationship with Gartner.

We have a working relationship with Gartner.

>> But expensive.

>> They are relatively expensive.

New York City found that as well.

You are right.

I won't dispute that.

But on the other hand, we have had a good experience with them in putting together the hava projects.

We feel we have a lot of confidence in them.

That is the other side to it.

They are not cheap.

I won't dispute that.

>> That is why they are good maybe.

>> You are right.

>> That is why they are good.

>> That might be true.

The fact we have this working relationship with them and they understand our operation, gives them a running start on helping us in this area.

>> I'm interested in the project.

We should look at it, make sure we have the budget funds set aside for it.

>> What I think is, is that we have the personnel money for the 21 people for campaign finance that aren't being, not going to be used for the first six months of the fiscal year.

There is probably money that could be shifted from personal funds to nonpersonnel funds.

>> I don't think they gave us funding for 21 people.

They gave us authorization for 21 people.

But --

>> I don't think, I think what they did is gave us a pot of money.

>> That's right.

>> To devote to a particular purpose, that is enforcement.

We have to determine whether this particular task fits within the framework of the budgetary language which is enforcement.

I'm not sure that is true.

We may be able to fit some in there but we have to look at the budgetary issue, to be honest, to determine we have sufficient funding here to support this.

But that is one potential source.

I agree.

>> Okay.

>> Fine.

I think that completes the reports.

**We will move to old business,**

which is the draft of the, our recommendation on amending the, you called it the Hava law before.

>> I called it chapter 181 --

>> Right.

>> I think it had a name.

I don't remember if it had a name.

>> Emra but I don't remember --

>> Election (overlapping speakers).



>> After our discussion and I circulated this on May 4 and followed up on May 22, based upon our discussions with a concept that the law be amend, not with date certain but rather based upon certification, within a reasonable time after certification of compliance systems, that then the (inaudible) would kick in.

That would be similar with the, there is two bans in that section.

One is the disability (coughing) (inaudible) requirement evice.

Which is already in effect (inaudible) not fully certified system..

Towards the end of last week, language was proposed that was, which would have a date certain, which would specify that it would be for the first (inaudible) become in effect for the first federal election after March 1, 2008.

Which presumably after election would be September 2008 (inaudible) at this point, there is a discussion that needs to occur.

Based upon our last, our prior board meeting of May 2, that draft has been circulated but now I don't know what the board needs to discuss.

>> There are two significant developments that have happened since then, Todd.

One is that congress passed the amendment to the Help America Vote Act, extending until March 1 our voting machine, lev voting machine funds.

-- lever voting machine funds.

The second is that in discussions with some members of the legislature, that there has been an indication from them that they would be much more comfortable sticking to the date that congress has set, instead of an open-ended date.

So that is where the origin of the language is, is really just to track the federal legislation.

And then if we don't make it by March 1, 2008, which I think is a possibility, that we won't make it, that we will have to go bac again and we would do both, go back to congress and go back to th legislature.

>> Why would we set an unrealistic date?

>> March 1 '08 is not an impossible date.

It's realistic if the vendors actually provide equipment that meets the regulations.

We should be able to finish testing by the end of the year.

>> Why can't we keep the wording we agreed on at the last meeting?

After the equipment is certified.

I don't see any problem with that.

>> It's because it's very open-ended.

It doesn't -- are we striving to get the stuff done now?

>> Of course we are but why do we set up a date that could very easily be unattainable. I'm uncomfortable with this.

>> Then we go back and change it again.

>> That is what we have been doing.

>> The performance of Hava since its creation, meeting deadlines are responsibilities of the federal or state level, leaves a great deal to be desired.

For us now to decide that we are going to put a date on it, knowing that the performance thus far does not embrace or support that kind of effort, why put a date on it, when we think as commissioner said, is probably not going to be met anyway?

We are trying to do it to impress the public.

They are not impressed anymore.

>> Both sides are very -- what my fear is that if we don't put a date on it, they will think we are going to let this go all the way to god knows when.

I think by putting a date on it, when we talk to the DOJ, we say to them, we are open.

We didn't put it and they say wait a minute, we want a date.

We don't want them to wind up giving us January 30 or something.

I think that there is, both situations are difficult, whether it's, when we get it done, we get it done, or we are going to try.

We are going to try.

I know we miss them all.

None of us here are foolish.

We know what has been going on.

But to give people some confidence in us, I think we have to say, we have a date, and we are going to try to meet it.

I think we have been trying to meet every date.

Don't get me wrong.

And haven't been able because of things beyond our control.

Things just beyond our control.

I would like to say, they put that in, in their legislature, let's say we are going to try to go with that legislature, legislation, that we are going to try to meet that date.

Rather than say, we are not going to put a date in.

We are just going to do whatever we can do earlier than that is correct later than that, we are going to try to do what we can do.

I think the minute these vendors see that we don't care, we have an open date, they are not going to push us hardy they are.

They have to see, vendors, this is the date we are moving for.

You better do it.

Instead of saying, when you get it done, Mr. Vendor, it's fine with us.

That is my feeling.

It just feels, I would love to see us get it done by March 30.

I really would.

I think we have to say to the vendors particularly to those, no, we have a date.

You are going to have to try to meet it.

If we say no, we don't have a date, they are going to say, relax, folks, we have no date.

That is what I feel.

I really feel, as much as it's maybe not needed, I know that can be very embarrassing, but either way, we don't look like we are trying to make an effort.

I think we are making a very big effort.

That is my reason.

>> We don't get to set the date anyway.

The legislature does it.

If I sense that there is no agreement over the language here, then we shouldn't belabor it.

.

>> I agree with that.

I disagree with the changing and putting that date down.

We all talked about it at great length at the last meeting.

We concurred that we would leave it open until it was feasible.

.  
>> Congress passed the bill changing the date.  
>> Story of our lives.

.  
>> I thought we would go along with them.  
What have we got to lose?

.  
>> Let's not get crazy about it.  
Todd, the second thing was the office of rules and regulations changes to 6210.19.

.  
>> Did you pass that out?

.  
>> It was in the packet.

.  
>> I have it.

>> It was in the packet.

I think they felt it was redundant to say, active voters excluding inactive voters.

>> Their changes, it appeared in several spots but they are saying that they would rather have it worded in a manner that they feel is better instead of saying active registered voters, they prefer registered voters excluding inactive voters which means active voters.

It's the same thing.

It is what they want.

That is what they insist upon.

>> It tracks the statute.

>> But we use active voters commonly in other areas.

It's six of one, half-dozen of another.

It's the same result.

I have no opposition to that as far as drafting.

I know Bob and Deidre talked with them.

I don't think they have any issues.

I would suggest we, I would recommend that we move to adopt their writing of this so we can move forward.

Because we have been receiving comments.

I don't have how many.

I didn't add them up.

But it's a fairly substantial number that we received to date on both these regulations and other regulations.

I think getting it published will allow greater access to more people.

Since it will take us a while to process the comments anyway.

>> Any other comments on the proposed change?

Those in favor say aye.

(Ayes heard.

>> Opposed?

Adopted unanimously.

Todd, did you have any other matters you wanted to take up?

.  
>> No.

>> **Lee, you indicated you had some items for new business.**

.  
>> LEE DAGHLIAN: Yeah.

The first one is the RFP for training program.

We have finished the process and the winner, a Florida company, so we (inaudible) also highest running prior to that.

So we recommend that we accept that bid.

We need your vote to accept that, so that those units can continue and with the contract and --

>> Is there any discussion on that?

Those in favor say aye

(ayes heard).

>> Opposed?

.  
>> By the way that was \$419,000.

Substantially less than anyone else.

>> Good job, Lee.

>> Nice price..

>> Also, there is a memo in your packet regarding the issue of webcasting and transcript of the closed captioning and I propose that we aside from the webcast that is put in a library for future viewing on our Website, that we also include a document that is the actual language of the closed captioning so that it can be reviewed as well, in a format that is readily readable, and that we continue to post minutes, but that those minutes be what I call bare bones.

Just what the law requires, which is what issues were discussed, and any votes taken.

And not include the voluminous discussion that's taken place because the opportunity to review that in writing and in video is available.

I'd like your approval to do that.

>> Yes.

>> Yes.

>> That is all I have.

.  
>> I have one other matter I wanted to take up, which is this discussion about our policy with enforcement of excess corporate contributions.

I had two new issues that I wanted to address with this.

One is that I'm troubled by the letter that we send now that, I don't think that the current form letter that we use in this is a good idea.

Specifically, in the form letter that we are sending out now, we are urging the corporations that made illegal excess contributions to go back to the committees that they made the contributions to, and get the money back..

And since we take so long to follow up on this, which is now two years, sometimes even longer, I think that it's very unfair to the treasurers of committees who have innocently received excess contributions to be asked two years after the fact to give them back.

And the fact that we send this letter puts a lot of pressure on those committees to actually give them back, even though they are not legally required to give them back.

.  
That is one issue.

The second issue is that I think that, I would suggest that we have a new policy that would invigorate enforcement on this, short of the legislature actually changing the statute.

And one thing that we can do is actually follow up on this in a more timely manner, not wait two years to actually discover who the excess contributors are, and that the second thing is to bring a fairly routine, when I say, to make it a routine compliance action where we would bring a proceeding against all of the, each year, bring a proceeding against everybody who had multiple contributions..

And the sole purpose of that proceeding is to get a court order to enjoin them from doing it again, which I think is the only legal authority we have in my review of the election law, under election law 3-2027 that we have the right to go into court and get that kind of injunction to prevent people from repeating a violation..

And then, if they repeat the violation, after we have obtained this injunction against them, then we have the right to bring a contempt of court proceeding, where the penalty, the statutory penalty is \$250 for contempt, so we would be able to get the contempt fine. And then since they are repeat offenders, I think that our policy should be that unless they are extenuating circumstances, we should notify the county D A.

I'm not asking that we vote on this today.

But, you know, I wanted to put it on the table, and to circulate it as a proposal on how to beef this up.

.  
>> Why do you separate the corporate overcontributions?  
Why shouldn't it be all overcontributions?

.  
>> I would agree with that.

.  
>> Instead of just, I think sometimes we tend to separate them because we look at them as the bad guys.

Which in fact, they are just people like anyone else.

We have an awful lot of overcontributions that are sitting in offices.

And I think they should all be addressed.

.  
>> Private as well.

.  
>> Corporations seem to be faceless.

Human being is --

>> I would agree with that.

>> But I agree.

>> I would agree with that.

>> Maybe we can get some wording that we can agree on.

>> These proposals will be assigned to somebody here to give us --

>> Liz and Bill should look at it.

We can talk about it.

>> Take a peek.

>> Sure.

>> Okay.

Are there any other items for new business?

.  
>> I think there is an item in your packet on the plan B funding.

>> Oh, yes.

>> And Pat Tracy who is not here, but she prepared this memo for you, and also a chart, which shows the \$2 million of section 101 money that is available and its they broken down by county.

Our proposal has been that the counties can utilize that money for the implementation of their plan B machines for this fall.

I think what we are proposing here is that we would notify to counsel east that this is their allocation, and -- to counties that this is their allocation and if they want to use that, they are free to and then bill back to the state costs related to this.

And we will pay up to the amount allocated on this chart.

.  
>> Okay.

>> All right.

.  
>> I have no problem with that.

The only question I had was under Hava, I question whether they can, whether the counties can use it for programming or maintenance, that it would have to be a nonroutine operationalexpenditure and if it's --

>> And if it's for plan B only, I'm not sure how they will use that.

You know, how they are going to get up to \$2 million.

Because nobody really should be acquiring equipment this year.

Right?

.  
>> No.

This would be really just for programming and purchase of ballots, for existing machines. That is our anticipated use.

>> Yeah, but --

>> Also include the audio for those --

>> Hava doesn't allow operational expenses.

>> You are correct.

It prohibits the use of certain funds for maintenance of effort.

The difference here is the funds, that this \$2 million is coming from, my understanding is that it's from section 101 which is, which can be used for (inaudible) proving elections, it's a fairly open-ended amount.

Fairly open ended use.

Different than section 251 money which is necessary for implementing title III.

>> My suggestion would be then that we not limit this to plan B.

Can we --

>> It could be --

>> Would we be creating a problem if we hold this over for two or three weeks to get the language down?

.  
>> I don't know what their timing is for the purchasing on that.  
That I can't speak to.

>> Whose timing?

.  
>> It would be the counties (overlapping speakers) September primary.  
They would be using this to program their machines for the September primary.  
I'm thinking it's first of June.

>> Petitions filed in July.

>> We can hold it over and still be timely (overlapping speakers).

>> We would have to do with the counties, we would need to purchase orders similar to what we did last year and work that out with OGS.

We have to have a purchase order and the invoice would be paid against the purchase order.

>> This is a reimbursement.

>> State contract is --

>> The only thing that is necessary, one of the things that is necessary is budget language requires that you actually approve the chart, to say how much money, which could happen at any time.

But before that money can be spent, the board is required to approve the chart to allocate the money according to the formula.

>> I don't think we have -- (overlapping speakers).

>> I don't have a problem approving the allocation.

I don't think we should limit it.

We should -- is there a reason to limit it?

.  
>> I don't think there is (overlapping speakers).

>> Two million, \$2 million in hava funds that they can spend any way that is legal.

.  
>> Actually, I agree.

I think that the issue, however, was around the plan B because the counties were asking us what money was available to them from the state for plan B operations.

This was the money that was identified as being open-ended enough as Todd explained to be used for that, because some of the hava money can't be used for this purpose.

We don't want to let the counties think they had whatever money they wanted to use for hava.

It is a limited pot..

>> Out of the interest money.

>> I'm not comfortable that the research, that we have done the research here yet to say that they can use it for plan B operations without violating the hava.

I don't have a problem releasing the money to them.

I just have a problem telling them that they can use it for plan B if in fact that is not consistent with what the EAC has been approving.

>> Certainly by the next board meeting, the delay in adopting this would not since it's a reimbursement program, they have a responsibility to do this anyway. They have to outlay the funds necessary if they choose to go this route. And how much, the only question is how much of it will they be able to be reimbursed from.

And could they for other items.

>> Let me ask a question.

What did the counties do last year?

.

>> They bought equipment.

Right?

.

>> They programmed it.

.

>> Did they use this money, do you know?

(Overlapping speakers).

>> Go ahead.

>> The program, not every county submitted a purchase order for programming.

It was only after they made their purchases, they came and they gave us the invoices.

We couldn't pay an invoice that we never had a purchase order for or an approval for.

If you take it out of the 251 money, it requires a local, the 5 percent match.

This is interest money.

It doesn't require a match.

It's 101 money.

You can use it differently.

Out of all the interest money, this was the portion that Pat Tracy identified as the interest on the 101 money, which has a different use.

So if they use the 101 money for plan A purchases, they can't use the 251 money for plan B purposes.

So we are trying to -- (overlapping speakers).

>> Are we confident that we can use the 101 money for this purpose, and I'm curious what we did last year, if we did do this last year and it was approved.

>> I think the interest we didn't get to that issue because they didn't start to seek, if I can paraphrase, Bob, or restate it, they didn't ask for this type of money until after we had already determined what they were going to get.

We just said no, because they waited.

The issue didn't come to us because we had already allocated it for specific use of purchase.

They didn't ask for the programming money until afterwards.

But we never set up a contract for that because we weren't able to actually process that because they hadn't done a purchase order.

We didn't know anything about it.

>> Some of the --

>> This is the first time.



>> -- restrictions were different last year, because we were using the equipment to further a purpose and a federal election, and usually in the primary, but definitely in the general election and we don't have that issue in 2007.

Some of the money issues, you can use for different purposes and at least there was a federal office on the ballot last year.

>> The legislature propose rated some hava -- appropriated some money for hava use.

>> It's this money.

>> It's up to 12 -- it's this money.

>> It's part of it.

>> This is part of what the legislature appropriated for local use, yes.

.  
>> Why are we only authorizing part of it then?

.  
>> It's because of this issue you raised, which is what hava's restrictions are, federal restrictions on the use of their money.

The analysis was done that legally speaking, the 101 money had the widest language under federal law for use, and this seemed to be the money that would fit.

>> I don't have a problem.

If it's their money, I don't have a problem releasing it to them.

>> I want to be comfortable too.

I don't want to tell the counties you can use it for plan B if they can't and the Feds on an audit are going to say, no, that wasn't an appropriate use of the money.

You have to pay that back. Legally, it's a legal question to me.

I want to be sure that the hava law does allow it for use in this way so the counties don't later on, I agree it's the counties' money.

It's not an issue.

I also think it's our responsibility to tell the counties the appropriate uses, so they don't get audited later and find out the Feds aren't going to sign off on that and they have to reimburse.

I want to feel confident if we tell them to use plan B, that is okay.

>> You can seek an opinion from the EAC.

>> Do you have reason to believe it we would get it in a timely fashion for this year's election?

(Chuckles).

>> We can read 101.

>> We have read it.

>> Their interpretation is it is usable this way.

If we want to get the federal interpretation we can seek that.

I don't know if we will get it in time.

>> You are not concerned about the language.

There are three pots of money.

.  
>> It didn't have any strings attached, you can use it for election purposes.

.  
>> Improvement.

>> Section 102 was for, is the machinery placement money as we discussed earlier which is approximately \$50 million.

And section 251, there were other pots of money that those were earmarked for specific purposes, disability access program, there was other ones.

Section 251 is used exclusively subject to a 5 -- 5 percent match as Bob pointed out, and is limited in, for using, to approve solely title III requirements.

Which is the disability accessible type voting systems, something else in there.

But that is --

>> New voting machines as well and databases covered.

>> Right.

That is the other issue under title III.

>> Right.

>> Section 101 really was just almost essentially a block grant in the states.

>> It still has to be for an improvement.

My understanding is, that you can't use the federal hava funds for operation or for substitution of operational expenses.

>> That is for maintenance of effort that occurred at the time that that statute was passed.

Arguably this is a new requirement under Hava for the accessibility, that didn't exist at the time that law was passed.

The argument was (inaudible) at the time that law passed.

This didn't exist then.

This is not maintaining an effort of something that existed at that time.

This is a new requirement.

.  
>> I think the maintenance of effort, as I understood it, referred back to the year 2000.

.  
>> Yes.

>> It said that states could not supplant money they were spending in the year 2000 for election operations with hava money.

They were trying to make sure the state maintained their effort and only add on, I agree with Todd in a sense that these plan B machines are clearly an additional program that the counties are offering that they were not offering back in the year 2000 to their voters.

And it's seemed to us that that is an enhancement, an improvement of their voting process, in their county because it is offering disabled voters a separate opportunity to vote on a separate handicapped accessible machine.

We felt I think, as I understood it, that that language in Hava did not restrict this money, because the maintenance of, maintenance of effort is still there.

They are still doing what they did in 2000.

This is an enhancement from that.

>> Above and beyond.

>> The discussion we had is whether they can use the 251 money and the answer we felt is no.

But that you could use the 101 money.

That is how we got there.

We could seek a federal opinion.

.

>> I don't know that that affects releasing the money.  
If it's their money, we should release it.  
I would not restrict it.  
I would say they can use it for any purpose that section 101 those.  
>> I agree with that.  
I think we feel some responsibility to tell them what those purposes are.  
They keep asking can I use it for plan B.  
We felt a need to answer yes or no.  
Our answer had been yes.  
But if people are uncomfortable with that, we have to pursue other opinions.  
>> Or we want to broaden -- the question asked was whether you can use it for plan B.  
That was the question you are answering.  
But you raise a question as to whether they might not want to spend it on that.  
They would rather spend their own funds and use this for some other purpose.  
That would also be --  
>> Such as a plan A machine.  
>> Certainly they could use it for plan A machines (overlapping speakers).  
>> Also inspector training (overlapping speakers).  
>> There are other things.  
>> Why should we restrict their use of it.  
>> I don't think we intend to.  
I think we are trying to address the question at hand.  
But I don't think our intention was to Dell them you can only use it for this -- to tell them  
you can only use it for this.  
That is not accurate.  
They can use it for other purposes.  
I agree.  
We can write the memo to the boards in that way.  
That you can use it for plan B or other purposes.  
>> The formula is the statutory formula that the legislature has --  
>> Yes, it is.

.

>> I'm prepared to release the funds for any lawful purpose by the counties pursuant to  
section 101 of Hava.  
>> We would have to look at the method, when you say release.  
We don't technically give them the money.  
For the purpose that Pat Tracy typed the memo, would be through a purchase order.  
Similar to how they purchase services off a state contract.  
If they use it for voter education, poll worker training, we already have existing contracts  
for those funds and they are for a fixed amount.  
We have to amend those if they use them for this purpose.  
That is a reimbursement where we have a contract.  
We would have to look at what the available, what the purpose is to make sure we tell the  
counties, if you use it for plan B, or plan A, you have to purchase off a state contract.

If you use it for any other purpose, we have to amend our contracts we already have with them and they have to tell us in writing what they are going to use them for.

Any of those other burps for reimbursement.

>> Reimbursement -- any of those other purposes for reimbursement.

>> Reimbursement.

>> (Inaudible) they have to amend the contract.

>> I believe Allison said at the last meeting or since then that the states extended (overlapping speakers).

>> Contracts approved.

>> Last year's contract for plan B were extended into the future.

We would have to work with OGS, about the standard procurement process that they will require that they use.

But there is two different ways that they get the money.

One is reimbursement through contract for education, training, those other purposes.

And direct contract purchases which are for plan A, plan B purchases.

.  
>> What we are doing is assigning this money to the requests that we receive, this money we receive from the counties.

Because we don't send them a check.

>> No.

>> They apply to us for that money.

>> Right.

>> We are telling them how much is available to them.

>> Right.

>> They bill through OGS, not through us.

>> Sounds fine to me.

>> What do we have to do to put wheels on this?

.  
>> We would like you to approve the schedule as presented, so we can tell the counties this is your allocation.

I think also we would like to tell them that we feel you can use this for plan B, frankly, because that is the question at hand.

Although clearly we are prepared to tell them you can use it for more than plan B.

We can quote the language in the statute, that any legitimate use is appropriate.

We do feel some need to respond to this plan B issue, because that seems to be the biggest issue facing the counties right now.

My proposal is that we would --

>> Make a motion on Peter's proposal.

>> Those in favor?

(Ayes heard).

>> Approved unanimously.

That does it I think.

Do we have any personnel or enforcement cases today?

.  
>> Before that, I'd like to make one remark.

I'd like to say thank you to Bill McCann for holding down that job all by himself for many months.

.  
>> Yes.

>> Good job.

>> Thank you, William  
(applause).

>> Thank you very much.

.  
>> That's it.

.  
>> Thank you.

.  
>> You want to talk about (inaudible).

>> No.

Is there a next meeting?

If you want to talk about it.

>> Doesn't matter.

You have seen the memos going around.

I would like to talk about the issue that Liz raised.

Do an executive session.

>> **Executive session.**

.  
>> Would I like to discuss, I would like to discuss that issue Liz raised.

>> There is a motion to go into executive session for personnel matters.

Those in favor?

(Ayes heard).

>> Opposed?

Par before we start the executive session, so everybody else can go because we are not going to vote on anything today in executive session, right?

.  
>> Not in executive session.

>> No.

>> Is the meeting date for the next meeting?

Three weeks from today, is that --

>> What is the date on that?

.  
>> Today is the 30th.

Three weeks from today would be...

>> 20th.

>> June 20.

.  
>> When is --

>> The week after that.

>> 25th, 26th, 27th.

>> I'm going to have to check my calendar.  
The 20th I think is going to be tough for me.  
Works related.  
>> You have other days that --  
>> I can check the calendar when I go back down and I can call if that is okay.  
>> Okay.  
.   
>> We can do it on Tuesday.  
>> I can't do it that week.  
.   
>> Sorry. I knew that Wednesday was hard for you.  
>> Wednesday is the best day.  
>> Should we do it in Saratoga?  
.   
>> Lack plus I had, I'm sorry.  
>> I can't go there.  
My granddaughter is getting engaged.  
People are staying with me.  
There are relatives.  
I can't --  
>> Do you think we need to try to meet every three or four weeks?  
.   
>> I can't do that week in June.  
.   
>> You can't do the following week?  
.   
>> Not the Monday at least.  
Not that Monday.  
.   
>> But the Tuesday?  
.   
>> Tuesday, Wednesday would be fine.  
>> That is the date is what?  
Do you have a calendar?  
.   
>> 23rd 24th.  
25th.  
>> 26th, 27th.  
>> The conference is from Sunday to Wednesday, right?  
.   
>> The actual date, you can arrive Sunday.  
>> We can do it Wednesday afternoon on the way back from the conference.  
.   
>> Yes.  
>> Do it in Albany.  
>> What date would that be?

.  
>> 27th, Wednesday.

>> Wednesday, the 27th.

.  
>> I meant I couldn't go to the conference.

.  
>> If I have a real problem, I'll get hold of you in the morning.  
This is a tough time.

>> We will go into executive session now.

.  
>> Can I mention, I mentioned, you mentioned you don't want to vote today on the issue we are speaking about in executive session.

I don't want to mislead you.

We were hoping to have some action or at least I was.

But if you guys aren't prepared to do it, I guess we will just discuss it.

>> Appointees?

.  
>> My suggestion was take some action.

But maybe that is not where we are going to go.

I don't want to mislead people that are here.

.  
>> Can we vote to approve --

>> Specifically, what action do you want to take, Peter?

(Overlapping speakers).

>> Approve the positions.

>> I was looking to approve positions.

Then we can start filling.

But we need the board to approve any new positions that we would be creating at the agency.

I'm looking for that kind of action.

>> Do we need to go into executive session?

.  
>> Not necessarily.

It's up to you.

.  
>> Let's talk about it.

If we don't need to go into executive session for it then.

>> Don't have to.

>> We don't have to go into executive session.

>> The only question I had over the plan was the second investigator position.

Is that really a 7th position?

That you can still those these 6 -- authorize these six?

.  
>> That was not part that have budget allocation (overlapping speakers).

>> That that is a 7th position.

>> It is not a civil service position.

.  
>> It's off of a, I thought it was (overlapping speakers).

>> It's exempt.

.  
>> It would be treated as a political position.

In fact, it should be the opposite.

It should be higher the way the investigator is always hired up until now which is the best person and not to inquire as to political affiliation.

>> I'd like to go on on record to say we always hire the best person.

>> Stanley, I'd like to ask you a question.

You sat in that position for most of the years I've been around.

.  
>> Right.

>> Don't you see a tremendous decrease in the amount of cases?

I remember when I first came on board, we have as many as 35, 40 cases at a meeting. Then with the advent of technology and it really has lessened the need for that, I mean, when I came on board we had five investigators.

.  
>> Me too.

>> The expectation here, I'm going to let -- an expectation of that kind of question, I ask Liz to look into this a little and I'll ask her to answer it but I'll just point out that if we hire an investigator simultaneously with hiring four of these six, the two lawyers and the two auditors, the two educational people are different, I think that they will participate along with the existing audit clerks and auditors and creating the kind of article 14 financial disclosure cases that would build up the cases that need to be investigated by the investigator.

I expect that we will have a need.

>> If we are doing that, Stanley, wouldn't you say that we have to review and refuse iv -- revive the qualifications for this position?

It's a totally different world.

Don't we need somebody with technology background?

.  
>> I actually think we have those provisions even existing prior.

Maybe we didn't pay sufficient attention to them in hiring.

But again, we have a list that Liz has available and can produce for you, I think she has it in front of her, of the kind of qualifications for investigators.

I did notice that at least one of those paragraphs, maybe I have it, and I'll give you mine if I have it, did include the kind of auditing ability that, accounting ability you would expect now from an investigator.

There was a time very early on, when that was a requirement.

I don't think it went past Joe, he was the only one we insisted on it but we hired him because he was an accountant.

He might be a CPA.

I'm not certain.

.  
>> Let me hand these out.



Let me find what I'm looking for.

The third paragraph on page 2 is an existing duty.

That fits nicely what I think you are mentioning, Helena, which is the ability to audit.

.

>> This the existing job description for these two titles?

These two positions I guess, it's one title.

Is this the same title that we have (overlapping speakers) the proposal as I understand it, to have two of the same.

>> Right.

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>> Same title, same grade, everything the same.

Same duties.

>> Exactly.

.

>> We have to wait for Doug to come back.

A

(pause).

>> For your next question, Helena, I'd like to look to these guys and see if they can --

>> Bill is telling me he believes in personnel there is n additional page with specific qualifications.

I asked Pat Tracy or actually Tom for this.

This is what he gave me.

Bill thinks there is something additional which we will get and provide.

>> Duties as opposed to qualifications (overlapping speakers).

>> I see.

Okay.

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>> We will get it for you.

>> Thank you.

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>> Maybe that is something I can run get right now.

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>> Description, duties, initial hires.

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>

>> This is a new name.

Campaign finance election training specialist.

>> Yes.

>> That is new.

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>> That would be new.

All threes of those are new.

That was particularly new.

The budget language that was approved had a specific component.

>> Someone like this?

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>> It had a \$250,000 specifically earmarked for, was it education and training?

Is that the term?

Education and training.

There was a specific direction in the budget bill for that effort.

We don't have any titles here like that.

.

>> But we have auditors.

>> That is a new title.

We have people that do a --

>> Auditing.

>> Similar audit function.

But I don't know that they have the title of auditor.

Is that a title?

.

>> Right.

We have a senior accountant, associate accountant in the unit.

We have an aide.

>> They are not specifically audit titles but they do in large part audit functions.

You are right.

These would be more specific audit titles though.

(Beeping).

>> These are two, like they don't call them deputies either.

They are like assistants to each one of these.

.

>> Basically.

They would work in the unit.

>> They are not called deputies?

.

>> Bill is a deputy.

Associates.

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>> Associate is the word we use.

>> Okey-doke.

>> That is the term.

Associates.

.

>> Unfortunately, we are not going to be able to vote on this today.

I wish that had been communicated in advance of the meeting but there are people who need to be consulted who have not been.

.

>> We would like to get moving.

You know the budget --

>> Willing to meet in two weeks.

We don't have to wait four weeks.

We can meet in two weeks.

>> I don't know.

I hate to hold it up too much.

We were given direction.

We would like to get going.

Whatever you guys can do that way would be helpful to get this off the ground.

>> I'd be happy to come back to Albany in two weeks, so that we can move all of these things.

>> So you know, there is more to come.

There is not by any means fully implementing the direction.

That was a million and a half dollars.

This is, I don't know the exact budget figure we have attached to this but it's something significantly less than that. Our expectation is over the next couple months, to be adding, a good chance I think within these present titles, more people to this program that would be under the --

>> It looks fine.

We should start to pursue interviewing.

>> Okay.

>> And go ahead on that basis.

But as I say, there are people who need to be consulted outside the agency, who had not been in the loop on this.

>> Okay.

>> I'd like to say one thing in conjunction with the expansion.

That is the space issue.

We are constrained in the unit.

As a matter of fact, we do not have enough places for these people to sit.

That is definitely something that needs to be considered in conjunction with any new hires.

We need to get more space.

.  
>> I agree.

We are pursuing that, as you know.

>> I think OTS said to us they are moving to try to get us the 7th floor and they seem to think that is on schedule to do that.

.  
>> Is it 7th floor?

.  
>> That is the room.

That's wide open (laughter).

>> Fifth floor.

.  
>> Fifth floor.

.  
>> That's all right.

>> In the meantime --

>> That was an issue.

>> In the meantime, I agree with Liz, we feel we have some space at presently, that we can fit some people, but I agree to try to add too many people in the space allotted would be difficult.

.

>> Three work stations available (overlapping speakers).

>> None of these are inspectors.

This last ones, with the new title, campaign finance election training, they are not specialists.

They are not like J. R.

>> No, no.

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>> We have to get somebody there.

One person at least, right?

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>> As we said, there is a position available.

>> From a regular --

>> Presently.

If the commissioners want to fill it.

>> It's right that they need to make sure J. R. Is being used in full capacity.

We need to try to work down our, what is it, two-year backlog now, in processing complaints.

.

>> If you had to base it on what we see in our packets, I would say we need half of what we have.

Maybe at the most.

>> The problem is we are getting what is in our packets two years behind schedule.

.

>> In the last few years --

>> No reason we should be more than 90 or 120 days behind on most of these complaints, they are simple, straightforward.

>> I agree with you.

How many did we pick up, Bill, what is the difference in people who are filing now?

.

>> I think we have seen strictly on campaign finance, as we have seen --

>> That is what I have seen.

>> People are generally more compliant.

If you look at the number of people we sue, for instance.

>> What is the number of people who file?

Now that we are doing it by statewide.

>> We have over 6,000 filers.

We will be around 10,000 sometime this --

>> We used to get 1400.

It will be bigger.

We can't compare it to what it is now.

I hope, Helena.

>> Bill, do we file the judgments in the counties where the judgment data resides?

.  
>> Yeah.  
>> That is done automatically?  
It's a matter of routine.  
>> We send out (inaudible) they have so much time to respond.  
If they don't respond at that point, we (inaudible).  
>> Transcript.

.  
>> This is for the regs --  
>> That is the investigator job description or I'm sorry, qualifications.

.  
>> I know.  
How many out of our regular budget.  
>> That is the existing position (overlapping speakers).  
>> That is where I was looking.  
>> We would be asking for the creation of the six new (overlapping speakers).  
>> All right.  
Is there anything else?

.  
>> Is there anything else?

.  
>> I'm all set.

.  
>> You all set?

.  
>> If I can ask, how did we finish this thing?

.  
>> You were out of the room.

.  
>> We are not doing it now.  
We don't have a meeting date.  
I've offered to meet two weeks, three weeks or four weeks.  
There is no agreement on a date yet.  
>> I have to call you tomorrow.

.  
>> Whatever you decide to do.  
>> This is a tough time in my business.

.  
>> After the 23rd.  
Try not to pick Monday.  
>> (Inaudible) 27th was mentioned?

.  
>> They said if we need to act on these jobs, we should come back earlier.  
>> Right.  
We did say we should start to interview people.  
>> Yes.

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>> Because the jobs are going to be there. I would start to interview them and try to decide what you want.

>> Okay.

Motion to adjourn?

>> I'll get back tomorrow or the day --

>> We stand adjourned.

(End of meeting at 12:59 p.m. CST)