

**Minutes of The New York State Board of Elections**  
**Thursday, January 4, 2007**

The meeting of the Commissioners of the New York State Board of Elections held at 40 Steuben Street, Albany, New York in the 4<sup>th</sup> Floor Conference Room at the offices of the New York State Board of Elections in Albany, New York was called to order at 12:15 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Evelyn Aquila and Helena Donohue. Commissioner Kelleher was absent. Staff present were Peter Kosinski, Stanley Zalen, Todd Valentine, Pat Murray, William McCann, Lee Daghlian, Bob Brehm, Deirdre Hammer, Anna Svizzero, Allison Carr, Tarry Breads and George Stanton. The guest list is attached.

**Minutes of November 29, and December 14, 2006** - accepted, 3-0 vote.

**Unit Updates:**

- **Legal Unit:** - Todd Valentine reported on the two HAVA implementation cases. Nassau County has moved to intervene in the Justice Department case. There will be arguments heard in Federal court on February 1, 2007. Nassau is also requesting to join the Suffolk County state court lawsuit previously filed against NYSBOE.

The case regarding judicial conventions and how candidates are chosen is at the Attorney General's office for review to decide whether we join the appeal.

Secondly, Todd reported on the contract for Saber for the Board's review. These are the regulations for the database in draft form. Commissioner Kellner raised the issue of the regulations for operations of the voting machines. He stated that we should prepare the draft for Election Law section 6210 for publication and comment and he asked that the draft version be prepared for the next board meeting.

The next topic discussed was the form of the paper ballot for the optical scan systems. There are two statutory requirements regarding font size and the requirement of four different languages, which is the case in Queens, New York. There are issues on how we will handle this with the Voter Verification Paper Audit Trail (VVPAN).

- **Election Operations:** Anna Svizzero reported that the machine testing continues and they are also working on acceptance testing procedures. They are reviewing vendors' supplies and regulations. There is another meeting scheduled with the vendors to go over those procedures. The training by vendors of our staff has begun. Sequoia contract is finished. Anna Svizzero reported that a meeting with NYSTEC on the testing systems is coming up. They expect certification by March 29<sup>th</sup> if the three systems we have now continue testing. At this point Peter Kosinski stated that the EAC reports that there are flaws in the Ciber testing process. He went on to explain that NYSTEC is overseeing that

process and we need to be sure that their testing is adequate. We also need the EAC reports that were mentioned in the NY Times article to analyze and address any new corrective measures that need to be taken and perhaps we should hold off on any certification until those measures have been put into place. Commissioner Kellner stated that the EAC did not share any of their reports with us and he finds that troubling. We also need to check the Cyber contract to see if we can get any information from them on this issue. Commissioner Kellner stated that he knew of the report from the EAC for a while and he also stated that NYSTEC has been very good with the security testing. He stressed that NYSTEC has been critical of Cyber for several months. He asked if we need more help with this issue or can NYSTEC do more to make sure that we are on track? Commissioner Aquila stated that we chose Cyber in the appropriate manner and that we should allow NYSTEC to continue.

- **NVRA/PIO:** Lee Daghlion reported that the RFP for the poll worker training program is almost completed. There are a few minor corrections and that we should be able to issue that RFP in late January. The contracts for the county's funds program have been returned from OGS and the State Comptrollers office. We are in the process of getting those signed and distributed to the counties so that those counties who are ready can spend money and then submit invoices for payment.
- **ITU:** George Stanton reported on several issues:
  1. Saber is producing the procurement document for the software and hardware for the database.
  2. The technical design has been completed for the county interfaces. Additional equipment such as air conditioning will be purchased for the data center that will be created on the 3<sup>rd</sup> floor.
  3. They are working on a contract for the county board of elections vendors, like those that do their computer programming work.
  4. Saber and the staff from ITU will be on the agenda for the annual ECA winter conference on January 16<sup>th</sup> and 17<sup>th</sup>. Saber stated that the newsletter that was drafted by George's staff was very helpful and was sent out to the staff at Saber as well. The Commissioners requested that they be provided with copies.
- **Campaign Finance:** Bill McCann submitted a list of ten items that his unit is currently working:
  1. They continue to review internal procedures to make the in-house processes more efficient.
  2. They are preparing for the January 15<sup>th</sup> periodic filing and they will begin, at that time, to enforce the county filers' requirements.
  3. They are working on the contribution limits for 2007 and will report those soon.
  4. Updating the campaign finance handbook for 2007.
  5. Actively reassessing the filing program with George Stanton with the ITU unit.
  6. Updating forms that filers use to make the forms more user friendly.
  7. The annual report for 2005 is completed and they are now working on the 2006 report.
  8. The county list for filers will be updated to show which filers should have reported and

did not, which will enable us to keep current with necessary enforcement procedures. Bill stated that 8 counties that have not complied with that request. He will continue to pursue them.

9. NYSTEC is working on the HAVA complaint procedure process with the Enforcement Unit.

10. Working on a memo to countyboards regarding changes in the election law as a result of court cases regarding the parties spending money on primary elections. Mr. Zalen asked Bill if they would address that memo and provide it to the Board, counsel and the rest of the staff before they are sent out to the countyboards.

- **Old Business:** Commissioner Kellner brought up the escrow requirements for the software and hard ware. His questioned whether we hold the escrow or do we need a third party? Bill McCann stated that the best process would be a third party. Commissioner Kellner stated that State Election Law section 7208 pertains to county boards and not the State Board and that we should hold the escrow. There is also a procurement issue of cost. All agreed that this was an issue that needed to be addressed soon.

Also, Anna Svizzero stated that she does have a HAVA update for the county boards regarding the meeting in December at the Crowne Plaza with the vendors. She stated that the meeting went well and would like to meet on a regular basis with the vendors.

- **New Business:** Attached is NYSTEC's proposal for Assistance with Implementing Electronic New Voting Systems Statewide. The Commissioners voted 3-0 to approve the contract. Commissioner Kellner commented that all staff was doing a great job.

Anna Svizzero pointed out that the voter registration forms must now be amended to reflect the change in order of the political parties listed on the registration form as a direct result of the November General Election. Todd Valentine and Pat Murray both stated that this would be the only change necessary to the existing form and that they will circulate a memo with the appropriate changes. With the agreement to make that change, the Commissioners voted with a 3-0 vote to approve the change.

George Stanton requested that the Board vote on the back-up site location for the state emergency management office that he is proposing in Hawthorne, New York. He stated that the Steering Committee has recommended that site. It was so moved and the vote was 3-0 to approve the location.

The board adjourned to Executive Session at 1:20 p.m. to discuss personnel matters. There were no votes taken in Executive Session.

**The meeting was adjourned at 2:30p.m. The next board meeting is scheduled for January 23<sup>rd</sup>, 2007 at Noon in Albany, New York.**