

**Approved**

**Minutes of The New York State Board of Elections  
Tuesday, January 31, 2006**

The regular meeting of the Commissioners of the New York State Board of Elections was called to order at 12:30 p.m. at the office of the New York State Board of Elections, 40 Steuben Street, 4<sup>th</sup> Floor, Albany, New York 12207. Commissioners present were: Co-Chairman Doug Kellner, Co-Chairman Neil Kelleher, and Evelyn Aquila . The meeting was chaired by Commissioner Kelleher. Staff present were Peter Kosinski, Stanley Zalen, Todd Valentine, Anna Svizzero, Lee Daghlian, Dan Valvo, Michael Johnson, Pat Murray, Pat Tracey and Bill McCann. Guest sign in sheet is attached.

**Minutes of December 15, 2005 and January 10, 2006** - tabled for further amendments.

**Unit Update:**

- **Legal Unit:** Mr. Valentine reported on the decision in the Brennan Center case concerning the nomination of state supreme court justices. The Court ruled in their favor. There was a discussion on whether we should appeal the case. Mr. Valentine stated that all parties recommended appeal. The Commissioners agreed 3-0. The court has asked for our suggestions on the petition process for judges. State Board staff are preparing recommendations for the signature requirements for this process. Todd also stated that we are sending data to the Department of Justice (DOJ) that was requested. Regarding HAVA, Commissioner Aquila praised the staff for a job well done, particularly at the meeting with DOJ. Procurement documents are being developed for the statewide database and the voting machines which will be available to the Board soon.
- **Election Operations:** Anna Svizzero reports that they received the nomination papers for the candidates for the two special elections that we process in the 60<sup>th</sup> Senate District and the 139<sup>th</sup> Assembly District. Candidate lists for both districts are attached. Anna also stated that her staff is still reviewing late submissions of public comments on the rules and regulations. A survey will be developed for the Commissioners to review. Security issues are being discussed with Dan Valvo and John Ferri regarding the number of voters per machine. They are having discussions with other states. Anna is looking into using students and others from outside the Agency to do time tests on actual machines, with the help of Sequoia and other manufacturers. Anna will be meeting with county commissioners on February 2, to discuss additional time for training and for the acceptance testing to further define that issue. Commissioner Kellner asked what the actual time line would be for these regulations and also have we identified the policy issues. Anna said she could make a list of all the issues for the Commissioners to vote on. Commissioner Kellner stated we need interim lists so that they can share it with disability groups as well as other concerned groups. He also suggested that once the revised

regulations are completed, they be posted on our web page for 10 days. Anna stated that she has reached out to vendors to find out their time line for delivering machines to the Board, as well as the type of machines they will be presenting for certification.

- **NVRA/PIO:** Lee Daghlian reported business as usual. His unit has been exceptionally busy with the media as well as e-mails and phone calls.
- **ITU:** Dan Valvo reported that the new work stations for the ITU unit were installed. Mr. Valvo reported that he has transactional figures for the January 15<sup>th</sup> campaign finance filing for regular as well as local filers. His report is attached. He stated that the statewide voter registration system transfer from Washington State is under way. George Stanton is currently in Washington to assist with that transfer. RFP for system integration is out and we hope to have information for the February 28 board meeting. A policy meeting is scheduled for February 8. Commissioner Kellner requested that Board Commissioners be provided an agenda for all meetings pertaining to HAVA.
- **Enforcement/Campaign Finance:** Michael Johnson discussed the local filers and the increased number of calls. The staff is working overtime to enter all data into the system as quickly as possible. He is currently devising the schedule for the campaign finance seminars in the spring, which will be held in a total of 24 counties. He is looking for additional staff to assist him with these projects.

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

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**New Business:** Commissioner Aquila moved to hire Robert Brehm, the former Schenectady County Democratic Commissioner to fill the Assistant Director of Public Information position at the pay rate of M-2.

Also, Commissioner Kelleher moved to hire Allison M. Carr as the Assistant Director of Election Operations at the pay rate of M-2. Both approved 3-0.

The Board moved to Executive Session at 1:15 p.m. to discuss cases and any personnel matters.

**The Executive Session adjourned 1:20p.m.** Cases were discussed and there were no personnel matters discussed.

At this time the meeting was reopened for General Session and Pat Tracey discussed the budget. The \$10 million appropriation will be made by the Legislature to cover the interest earned. Commissioner Kellner said that we should do a budget and we should have George Stanton and Anna Svizzero assist in the implementation of their plans for the development of the educational and voter outreach applications for HAVA; and to submit those cost items to Pat Tracey as soon as possible. A budget must be created for the HAVA money so that the Legislature doesn't disperse it all to the counties, as some of the money needs to be allocated to the State Board as well.

There was discussion about the contracts with the ITA to make provisions that the tests are run

properly. Commissioner Kellner made several points concerning this issue that need to be discussed with the ITA and our staff to ensure that these things are happening and are made part of the regulations. Pat Murray identified five policy issues that we need to address:

- Requiring that all vendors bring all machines that they manufacture to this Board for certification.
- Whether we accept a machine for certification that's been tested to 2002 standards or 2005 standards. Staff is currently doing gap analysis to understand what the differences are between the two standards.
- the issues of radio and phone hook ups with the machines;
- the issue of the policy for under voting on machines; and
- the deadline for the counties to make their machine selections.

The State Board Commissioners must be informed of the above issues so that they are prepared to make decisions.

**The meeting was adjourned at 2:15 p.m.** The next meeting is scheduled for February 14, 2006 at Noon.

### **Preliminary Determinations**

CMP04-69-closed

### **Complaint Without Preliminary Determination**

CMP04-24 - closed

CMP04-42 - closed

### **Final Determination**

CMP04-71-SC05-05 - closed