

Approved February 15, 2008

**Minutes of The New York State Board of Elections  
Friday, February 8, 2008**

An emergency meeting of the State Board of Elections was called to order at 1:25 p.m. at the New York State Board of Elections, 40 Steuben Street, Albany, New York. The meeting was chaired by Commissioner Kelleher. Commissioners present were Co-Chairmen Douglas Kellner and Helena Donohue. Staff present were: Stanley Zalen, Todd Valentine, Allison Carr, Paul Collins, Lee Daghlian, Bob Brehm, Anna Svizzero, Liz Hogan, William McCann, George Stanton and Deirdre Hammer. Guest list is attached.

The Chair stands that this is an emergency meeting for the Board to consider one agenda item which is the Court Order on voting machines for Plan B.

The attached resolution was read in it's entirety and after some discussion it was moved that the resolution be adopted. **The vote 3-0 was unanimous to adopt the resolution as read.**

**RESOLUTION ON COURT ORDERED VOTE ON VOTING MACHINES**

We are here today to solely comply with the Court's order on voting machines.

The Court has ordered, that the State Board's prior determinations regarding LIBERTY, ES&S and PREMIER are vacated and annulled.

The Court has directed the State Board of Elections to approve the Liberty voting system on or before February 8, 2008.

The State Board of Elections concludes that with respect to Liberty that this determination shall not affect the general condition applicable to all approved ballot marking devices that petitioners' system must still pass the performance testing to be conducted upon all initially approved machines and systems.

The Court has directed, the State Board of Elections to approve the ES&S and Premier voting systems without any additional conditions on or before February 8, 2008.

The Court further ordered that with respect to ES&S and Premier that this determination shall not affect the general condition applicable to all approved ballot marking devises that petitioner system must still pass the performance testing to be conducted upon all initially approved machines and systems.

The Court further ordered that pending such approval, the Board of Elections is directed immediately to examine petitioners' systems, to include them in the vendor selection process and to distribute the information with respect to petitioners' systems to all County Boards of Election.

As such:

In furtherance of the Court order set out above, reserving all rights previously set forth, be it resolved that:

Liberty voting system: LibertyMark BMD with LibertyProof-IVD  
ES&SW voting system ES&S AutoMARK 1.3 A200  
Premier voting system Premier AutoMARK Voter Assist Terminal A300

are immediately included in the vendor selection process and that any information regarding these systems not previously disseminated to the counties be done so immediately.

The Board directs that any counties which have previously submitted an order should re-affirm their order no later than 5 PM on Tuesday February 12.

**The next board meeting will be held on Friday, February 15<sup>th</sup> at 12:00 p.m.**

**There was a motion to adjourn -3-0 in favor, the meeting was adjourned at 1:36 p.m.**