

**Approved**

**Minutes of The New York State Board of Elections  
Tuesday, February 14, 2006**

The regular meeting of the Commissioners of the New York State Board of Elections was called to order at 12:15 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 Commissioner Evelyn Aquila . The meeting was chaired by Commissioner Kellner. Staff present were Peter Kosinski, Stanley Zalen, Todd Valentine, Anna Svizzero, Lee Daghlian, Mary Longacker, George Stanton, Dan Valvo, Michael Johnson, Bob Brehm and Pat Tracey. Guest sign in sheet is attached.

**Minutes of December 15, 2005 and January 10, 2006:** approved as amended.

**Minutes of January 31, 2006** - tabled

**Unit Update:**

- **Legal Unit:** No report attached. Mr. Valentine reported on the matter of the Brennan Center lawsuit regarding the nomination of the Supreme Court Justices has been appealed. All parties are appealing and we are in the process of responding to the judges request for information on signature requirements, if in fact his plan goes through. He also stated that there was a challenge in one of the special elections. There seemed to be two candidates on the Independence Party line and there's a problem with who had the authorization and which committee to nominate. The case is in court at this time. Mr. Valentine recommended that this Board make no recommendation on who that candidate should be. He feels that the court should decide. That was agreed 3-0.
- **Election Operations:** Anna Svizzero reports that her staff is still working on the compilation of the remaining comments that came in on the rules and regulations and they are making corrections and changes to the rules and regulations in accordance with some of these comments. Once these reports are written and approved by the Commissioners, they will be shared with the county boards for their input.
- **NVRA/PIO:** Lee Daghlian reported there were increased e-mails and press questions concerning the rules and regulations, as well as the situation with the Department of Justice. Mr. Daghlian and Mr. Mattice went to Syracuse to visit the hotel for our annual conference to take care of details and make necessary changes for our conference in May of this year. Lee stated that his unit continues to work on preparations for the State Fair in August of this year. Mr. Daghlian is also working with Michael Johnson and Bob Brehm on the preparation of the HAVA time line, along with additional budget items for the Board. Commissioner Kellner thanked Mr. Daghlian and the others on this committee for pulling together the statistics for the time line. He suggested that we send this out to the

county commissioners for their information. There was some discussion about whether it would be easily understood by the commissioners at this point, and that maybe the time line should be further defined before being sent out to the counties.

- **Enforcement/Campaign Finance:** Michael Johnson reported that his unit continues to be quite busy with local filers. His unit is putting together statistics on how well they did. There were over 1,400 state filers and 1,372 reports have been received as of today. There are 2,469 filers for local office. There have been requests for exemptions from local filers, and at this point, 163 have been granted. Also, the Assembly asked Michael Johnson to speak at the Black and Puerto Rican Caucus next week about campaign finance issues.
  - **ITU:** George Stanton reports that his unit is very busy with campaign finance filings. There were 851 calls to the help desk. 500 of those calls were from county filers. Continuing with the details in preparation for instituting the statewide database and making the transfer from Washington State. They are also continuing to work with the RFP with Gartner. They are having many work shops. Drafts have been sent to us on the comments with other committees concerning the RFP. George also stated that data is now coming in for the NCOA preparation from the counties. About half of them have complied so far. Dan Valvo is working on the rules and regulations with the Election Operations unit. Commissioner Aquila asked George about the considerable increase in the budget for the statewide database system. Mr. Stanton explained that the budget is an estimate and will be further defined the further they get. He stated that we need to leave enough room in the budget to make sure there is enough money to get it done. There was a very lengthy discussion regarding the budget process and the process of taking over the Washington state system and making it fit in New York.
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- **Old Business:** Rules and regulations should be posted on the web when the Commissioners vote and agree on the second draft. The intention is that after the ten-day comment period and all revisions are made on the regulations, the Commissioners would take a vote on the final regulations at the board meeting on February 27<sup>th</sup>. The Commissioners agreed 3-0.
  - **New Business:** Plan B, to satisfy the Department of Justice with the accessibility requirements for the disabled community is to look at several systems that might meet those requirements, such as Auto Mark and IVS, which is a vote-by-phone system. In other words, these would be ballot marking systems, not counting systems. The cost should be considerably less and delivery, implementation and training should be a lot quicker versus a regular voting machine. These intentions will be included in our reply to the Justice Department. We will further define them as quickly as possible so that the Commissioners can vote on a system if necessary by early March. There was further discussion about using this type of system and the consensus was to continue to investigate other systems.

**The Board moved to Executive Session at 1:30 p.m.** to discuss cases and any personnel matters. There were no cases reported and no personnel issues discussed. There was some discussion about possible pending litigation.

**The Executive Session adjourned at 3:25 p.m.**

