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>> DOUGLAS KELLNER: Good afternoon, everyone. My name is Douglas Kellner, Co-Chair of the State Board and I'll call the meeting to order.

Ask the other Commissioners to introduce themselves.

>> JAMES WALSH: I'm Jim Walsh and I will speak on behalf of my absent brother here. Greg Peterson has had some recent surgery so he's not with us at the moment.

>> DOUGLAS KELLNER: Commissioner Aquila?

>> EVELYN AQUILA: Evelyn Aquila.

>> DOUGLAS KELLNER: We all join in wishing Commissioner Peterson the best. We'll go around the room and introduce the Board staff.

>> Todd Valentine.

>> Kimberly Galvin.

>> Paul Collins.

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- >> Joe Burns.
- >> Anna Svizzero.
- >> Patrick Campion.
- >> George Stanton.
- >> John Conklin.
- >> Liz Hogan.
- >> Bob Brehm.
- >> Bob Warren, Election Operations.
- >> --
- >> Rob Zeglan, NYSTEC.
- >> Greg Jones, --
- >> Amy Allaud, League of Women Voters of New York State.

### Meeting of Board of Canvassers

>> DOUGLAS KELLNER: So welcome to everyone. We start with the meeting of the Board of Canvassers of the State of New York to certify the results of the special elections. And the Commissioners have just signed the Certificate of Election for -- for the

3rd Assembly District, Dean Murray;

15th Assembly District, Michael Montesano;

24th Assembly District, David Weprin;

89th Assembly District, Robert J. Castelli.

So is there a motion to approve the final certification?

>> EVELYN AQUILA: I make a motion that we approve.

>> JAMES WALSH: Second.

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>> DOUGLAS KELLNER: Those in favor say "aye"

>> Aye.

>> DOUGLAS KELLNER: The certifications have been approved and as I noted, the Commissioners have signed the certifications.

### Regular Meeting of NYSBOE

So there being no other business for the Board of Canvassers we'll now call to order the Commissioners of the State Board of Elections.

### Approval of Minutes

The first item of business is the minutes of February 18, 2010. Is there a motion to approve the minutes?

>> JAMES WALSH: So moved.

>> DOUGLAS KELLNER: Those in favor say "aye."

>> Aye.

>> DOUGLAS KELLNER: Opposed? The minutes are approved. The next order of business is the unit updates.

### Unit Updates -- Executive

We'll start with the executive directors, Bob Brehm and Todd Valentine.

>> BOB BREHM: This past period we've been working on a number of items primarily associated with implementation of the MOVE Act. Completing review of various proposals. We did complete the application process to the Federal Election Assistance Commission and the money from the 2010 requirement payment has been wire transferred to the State of New York so we actually have the money. And during the past month we did receive some positive budget news. A

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correction letter that we sent out from the EAC that they miscalculated the amount of money that was available in New York State so we picked up a little shy of \$180,000 in addition funds which will come in handy. And that was good. The other positive news was something we've been waiting to see since early mid-November. And that was the RFQ from the Federal Voting Assistance people to try and move this program forward at the federal level. So it's out and I think that's a positive sign. Another item that is something we're working on, other than getting ready for our April conference, is we received a request from our Legislature in early May to visit and bring the voting equipment so that the Legislatures can view what our certified machines look like and how it will operate. We are working with staff to prepare to bring the machines to the Legislature and work to coordinate with some of our area boards of elections to join us in setting up what will look like a new election district or polling site. We'll bring some of the privacy booths, etc., that go with the voting machines. That we're looking forward to doing in early May. We'll have more info on that as we get closer to that period of time. Other than the items that we've put in our report.

>> TODD VALENTINE: The only other thing we're waiting for is if there are any changes that develop out of the state budget process. So far there have been no negative impacts but they are a long way from getting the state budget. That always is a bit of a mystery at this time of year.

>> DOUGLAS KELLNER: And I understand that there are no federal funds for HAVA proposed for the next federal fiscal year.

>> BOB BREHM: There were no federal monies proposed in the executive budget, although we heard some preliminary talks from some of the contacts that they are looking to make both a move appropriation for the state's use and perhaps a -- payment. And one of the items that we had heard from people - and I know Anna mentioned it and Todd and others - it would help us to try

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and get a handle, from our county boards at least, a ballpark figure - how much of the so-called shoe-box money have they spent?

Because I think there are a lot of expenditures that the county had made that were not at that point our process that they can apply to get the money yet. We have to certify compliance to Title 3 before the counties can cast for reimbursement under the shoe box program. Both in person and in several emails I've asked the EAC to give us a written piece of information we can rely on as to when New York State can submit that we're in compliance with Title 3, since the one thing we're holding out on is the voting systems. We haven't heard back from the EAC yet. Once we have Nassau County and New York City take possession of their equipment the preliminary information at EAC is we may be able to follow that certificate that -- compliance to Title 3 and then the counties can start being reimbursed out of this federal program. And we all know that they need the money. The counties laid the money out and it is just sitting in an account.

>> TODD VALENTINE: Right and it wasn't until this year they could actually trigger that shoe box - it's still called shoe box because of the compliance.

>> BOB BREHM: So my reaction when I was asked "do we need more money?" was "yes." Because a good amount of the money that's in the shoe box was already spent. It's not just sitting there just waiting to be spent. It's just that we don't have a program in place to get the counties money to drop down. And there are only 19 other states that have certified that they are in compliance with Title 3 so I believe we're all in that same category. Money has been laid out, we just aren't able to access it yet because we have to get to that step.

But once we get to that step the counties will submit their applications and we'll be able to move them forward and actually give them their money under the program. And there will be an outstanding need that hopefully we can make the case to Congress to assist us in funding.

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>> DOUGLAS KELLNER: Thank you. We'll then move to legal, Kim Galvin.

### Legal Unit

>> KIM GALVIN: Thanks, Commissioner. Commissioners, our written report seems to set forth just the general things that Paul and I have been doing in the unit since the last meeting. Routine phone calls and a variety of other things but there is one thing that I think would be important to give the Commissioners a more specific update on. And that is our communications with the Department of Justice and compliance with the timeline for the mission deployment.

As you are aware, all of the voting systems throughout the state were due to be delivered by March 15. All counties have received all the machines necessary for use in the fall primary this year, except for two -- Nassau County and New York City - so really six. And in furtherance of getting a better handle on that we've not only spoken to the Department of Justice and the Attorney General's Office quite frequently, we have participated in a number of phone calls and communications with each of those counties to discern just exactly what the status of the situation is with regards to the machines and when they're going to accept them and when our testing will be completed.

New York City's goals were very fruitful, I believe. We are in the process of - Bob Warren is going to finalize talks with some of the key staff down in New York City to finalize a timeline for acceptance. They will be taking a big load of machines for -- next week.

And they have set forth a timeline - are finalizing it now - for deliveries on a scattered basis that will take us through the end of into May. They are professing compliance and they're working on their warehouse spaces and everything seems to be moving along fine.

We also had conference calls with Nassau County and Nassau County presents an interesting twist of issues as well.

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They are trying to - they have severe warehouse storage areas. And they have another twist. Not only do they have the levers that they have to move, but they also have the Dominion Image Cast machine, the ballot marking devices that they're no longer using.

They are taking up space. So they are in the process - and I haven't heard - I was out for medical reasons. I haven't heard that they finalized the warehouse space issue yet to move the Dominion Image Cast to make room for the Auto Mark. I think it's critical that it's made clear at this meeting that we told them and advised them as of last week. All of their machines - both sets, the BMDs and the scanners are acceptance tested and ready for delivery to Nassau County. And they're all done and we are simply awaiting a schedule from them to deliver. I am hopeful that they will give us a schedule not only for the Auto Marks, which they keep talking about, but also for the scanner deliveries as well in the very near future. Because I know the Department of Justice is very interested in when they will be accepting the machines.

So I just thought it critical that the Board understand where we are with those two counties.

>> DOUGLAS KELLNER: Okay. Thank you. I noticed that there were two court decisions that occurred since our last meeting that we were not directly involved and didn't take a position on. And then also the Dominion lawsuits. So why don't you, either one of you, just review what the court decisions were.

>> PAUL COLLINS: Well I have got an opportunity to read the SUNY/CUNY decision, but the long and the short of it is the Department of Justice was granted some prejudgment for the district court of the northern district of New York. And they have been directed to add SUNY and CUNY disabilities services offices to the list of mandated NVRA offices in the state of New York.

The procedural mechanism is the Department of Justice was given ten days to submit a plan and then the defendants were given five days to object, respond, et cetera. That's where it is.

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>> DOUGLAS KELLNER: So we're waiting to hear exactly what DOJ wants to have New York come into compliance.

>> PAUL COLLINS: Yes.

>> DOUGLAS KELLNER: It's really just a technical issue involving SUNY and CUNY and their junior colleges as well on whether or not the offices for disabled student services should..

>> PAUL COLLINS: Be a mandated NVRA office.

DOUGLAS KELLNER: And the only difference by being a mandated office is that the office is then responsible for communicating voter registrations directly to the Board as opposed to handing it back to the voter and having the voter mail it to the Board, right?

>> TODD VALENTINE: Yes, at least on the main campus level. There are 64 SUNY campuses, including the community colleges. They have been voluntarily participating and they are included in the site. But the issue is the legal issues, are they required and compelled.

And the community colleges did not voluntarily participate. So this will increase the scope of that - not by a large amount as far as your concerned - but we stand ready, willing and able to provide training materials they need.

>> DOUGLAS KELLNER: Right and its John Conklin's unit that oversees this and it will be no major addition to our workload.

Then the other lawsuit was the Dominion lawsuit.

>> KIM GALVIN: Yeah. Unless we received another decision on Dominion yesterday - did we? The one decision that we have received in that case, from Judge McGrath, was as you are all aware, Dominion sued New York City saying their choice of ES&S violated a variety of contractual provisions, procurement provisions and we appeared before Judge McGrath and the Supreme Court and arguments were heard and he issued a decision denying Dominion's request for a



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preliminary injunction to, in effect, stay the choice that they made which would, in turn, stay all of us from doing all of our work necessary to comply. He did not rule on the underlying substantive issue. However the wording in his initial decision was quite firm, I think, in saying that, in my opinion, he didn't think much of Dominion's case and we're waiting for the final decision on that.

>> PAUL COLLINS: The only thing that I would add is I have been in communication with the Corporation Council of the City of New York on the various DOJ preclearance issues for our new voting systems. And I had prepared a list for the Board of - IRMA having been pre-cleared, the 1997 amendment to IRMA having been pre-cleared, part 6209 having been pre-cleared, 6210 having been pre-cleared and the amendment on the undervote in 6209 as well having been pre-cleared. And I've shared all of that with the Corporation Counsel's Office in New York City.

>> DOUGLAS KELLNER: And based on that the State Board is current, right? Everything that we've done has been pre-cleared.

>> PAUL COLLINS: Yes.

>> DOUGLAS KELLNER: Alright, well thank you very much. We will move to election operations, Anna Svizzero.

### **Election Operations Unit**

>> ANNA SVIZZERO: Thank you, Commissioner. We don't have but a couple issues to add to the written report that was provided in the packet.

We indicated that questions were being - responses to questions for our asset management tracking system RFP were being prepared.

Those were done, delivered to potential proposers. I believe that we're looking at five proposers that meet our initial requirements for being in a position to respond. Our next step is to meet with NYSTEC and OGS and our RFP review committee so we understand the ground rules and the

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scoring procedures, etc. And we'll be doing that before the end of the month. We have reconvened training sessions at our acceptance testing site for both EMS and for the creating of test decks. We've had, I believe, seven counties sign up for those training sessions and several counties have already been in for their classes. We are working with NYSTEC to prepare procedures. We're working with the pilot review committee from the Election Commissions Association and our own two cents in amending procedures that were already in place and then creating new ones to correspond to policies. We're going to be giving each county board at the conference two notebooks, one for each commissioner, and a CD in that so that they can reproduce it as they see fit at the county board. And then they will have a hard copy that they can use just as a quick resource and they can make it available electronically to whomever they like on their own watch. We didn't want to distribute it and interfere with the commissioners' intentions as to how they intended to distribute it. We also indicated that we had several counties that had not yet purchased the election management system for their voting systems. I think Joe and I tried to be as diligent as we could. Our powers of persuasion kind of eluded us and I think four out of the five in Washington County saw the light and did place their order before Friday's deadline. We have remaining Warren County, Hamilton County, Columbia County and Westchester County. We spoke with Hamilton County this morning. They're under particular hardship because they truly run out of HAVA money before it was populated into their spreadsheet. They had very little to work with in the first instance and even to buy enough scanners to run elections in their county, had to use county funds to do so. So we encourage them to reach out to the vendor and see what sort of accommodation they might be able to come to because of their size and their unique circumstances. The other three counties are efforting this. I guess my concern would be, and I would speak for myself, that unless they get this ES&S and learn how to use it their ability to

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comply with requirements that prohibit a vendor from doing programming are going to be diminished. We are approaching April. In July we encourage them to start populating their EMS system with candidates that are appearing on the ballots that aren't involved in litigation. So to the extent that this Board can direct us, we're happy to work more diligently with those four boards. We're happy to order EMS for them, work something out with them; I'm not quite sure where we're headed.

>> DOUGLAS KELLNER: Let's get very specific. Your unit sent official notices to each of these five counties last week saying that unless they ordered the EMS system by last Friday that the state was going to do it for them.

>> ANNA SVIZZERO: Yes.

>> DOUGLAS KELLNER: And you said one county, Washington County, complied so that there are four counties now that are out of compliance.

Right?

>> KIM GALVIN: Yeah, but I think that many of them have offered explanations. I don't think the other -

>> DOUGLAS KELLNER: Well that's what I'm getting to. When we tell somebody that unless you do something by this deadline we're going to do X, then it seems to me that we should do X...that there should not be idle threats. So what I'd like to address specifically is each of those four counties' requests for extensions. Because I think you haven't used the magic words that each of those four counties has asked for an extension. And to tell us what's happening with each of those four counties so that we can be assured that they are going to get into compliance within a reasonable period of time, right? Isn't that the issue?

Because we can't just -

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>> TODD VALENTINE: It's not as simple as just purchasing the EMS. That's what--

>> ANNA SVIZZERO: Well I would disagree, but that's okay.

>> DOUGLAS KELLNER: Can we just take a minute.

>> ANNA SVIZZERO: I can tell you that in Columbia County, for some reason, Columbia County is navigating these purchase orders through their local procurement offices. They are purchasing the EMS directly from the state contract with HAVA funds that are available to them. Why they're using local procurement offices to issue these purchase orders eludes me. And we have tried to have that conversation with them, to no avail.

>> DOUGLAS KELLNER: But they're actually doing it.

>> ANNA SVIZZERO: In any event they are doing it. They indicate that the next opportunity they're going to have for any approval is April 14.

>> DOUGLAS KELLNER: Well is that timely so that they will be able to get the system and train on it in a timely fashion?

>> ANNA SVIZZERO: I would - yes.

>> DOUGLAS KELLNER: Alright. We have three more to go. Westchester is the largest.

>> ANNA SVIZZERO: Westchester has no warehouse.

>> DOUGLAS KELLNER: What has that got to do with the EMS system?

>> ANNA SVIZZERO: I have struggled with that. I am not sure why purchasing the EMS and setting up a work station at the Board of Elections that would enable them to become familiar with the EMS and to be trained on it, and then migrate that system over to their facility when indeed that facility becomes available to them, would be a better use of their time than simply waiting for this facility to become available. I am troubled by that.

>> DOUGLAS KELLNER: So what is Westchester's specific proposal on how they are going to

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achieve this?

>> ANNA SVIZZERO: They have no specific proposal other than they are working on their warehouse issue. Now one of the commissioners has been out of the office and was not there for us to have a conference call. Joe and I try to do these calls with both of us on the line and both commissioners. So we can effort that call with Westchester and perhaps propose to them that they find a way to have a work station set up at the county board so that this can happen. They are a large county. A monster number of ballot styles that have to be accommodated. There's just an awful lot of work to do to learn this system and then apply it and not be able to do it until you get this building that you think this magic is going to happen in.

>> DOUGLAS KELLNER: Is this more or less significant than the inability to take delivery of the machines?

>> TODD VALENTINE: Well that's the problem with Westchester is they have a space and security issue. While you can purchase the software you can't just be loaded on any computer. It has to be on a stand alone system and segregated out. And other counties are doing this as well. They have to separate that out and in order to accommodate that their office space is very tight, I understand. So they desire to instead of a partial migration - a closet where you can put an isolated system - to set the system up where it intentionally to do the work.

But like other counties they are running into some road blocks into getting that space they need on the county side.

So while we could order the software for them that would- I'm not sure they'd have anywhere to put it when they got it.

>> DOUGLAS KELLNER: To put software? We're talking about a computer station and a disc.

>> TODD VALENTINE: It can't just be any type of computer station. It has to be, basically, a

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stripped down isolated computer model.

>> DOUGLAS KELLNER: We're talking about a couple of square feet.

>> KIM GALVIN: Realistically when we order it, and I think Anna could correct me if I'm wrong -

>> DOUGLAS KELLNER: I could find a space in the commissioners' office to put that computer and the machine.

>> KIM GALVIN: Isn't the real issue, though, not just to have the software but to actually train people to use it?

Perhaps along the way we should be asking for training schedules too. Just throwing that in there.

>> TODD VALENTINE: And where they fit in to the current training.

>> ANNA SVIZZERO: That, again, is something that if you wait to install this and you're further on the chain of having it installed and even further on the chain for being trained. And now we're butting up against petition week and that is going to be a nightmare.

>> DOUGLAS KELLNER: And where I'm going with this is does the state need to get involved to make sure that Westchester is going to get on the timetable so they will be able to implement the switch over to the new voting system in time for the November primary?

>> EVELYN AQUILA: It looks like... I'm worried.

>> KIM GALVIN: Well I think we are running out of time but like I said, the fact that we'll order it doesn't make it usable.

I don't know how we could get involved more directly with understanding the training of it and the actual development of the staff that's required to use - and back to your question, if you don't have the machines you don't really need the EMS so -

>> DOUGLAS KELLNER: But see are we comfortable that there is a plan in place in Westchester and do we need to start focusing more of our staff energy into making sure that Westchester is in

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compliance?

>> ANNA SVIZZERO: I guess in my mind I was thinking - and I haven't had a chance to really speak to Bob Warren about it - but if that is their concern then perhaps we could speak to the vendor about - because I think if we're ordering the EMS we're ordering the workstations and everything.

I'm not naive enough to think we give you software and then walk away. We clearly intended in putting this in our unit report to say we would order whatever it takes to use the system.

My thoughts in Westchester was that they could put the EMS on laptops and learn how to use the EMS, get scheduled for training and then have the EMS loaded permanently into their facility once that facility is available and the truly dedicated work stations were set up.

The laptops could be put in a closet with two locks on it which we know they have for ballot purposes, etc.

>> DOUGLAS KELLNER: Is there a plan to get a facility or are they having problems with the county government where we need to get involved to make sure this actually happens and that everyone in the county government is pulling together to accomplish this...

>> ANNA SVIZZERO: The county is working on it. Their language is that the warehouse where the...

>> DOUGLAS KELLNER: Who's language? Anna, excuse me.

>> ANNA SVIZZERO: Westchester commissioners. The warehouse where the equipment will be stored is not yet completed and at this time there are no available alternate storage facilities. So this speaks to why they haven't taken delivery of their ballots and scanners.

>> DOUGLAS KELLNER: And when is it going to be completed?

>> ANNA SVIZZERO: They have not date proposed.

>> DOUGLAS KELLNER: Well it seems to me we need to follow up on this to make sure that all the

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pieces are going to come together.

>> KIM GALVIN: I think that perhaps maybe we should - I think it's very good that we figure out which counties issues are - and maybe by the next Board meeting the staff, I can work with Operations and whatever and we can get the plans in place for some of these counties that are really do have logistical complications that they are attempting to work through.

And maybe get the deadlines and see when the order's going to be placed and when the training will be the follow up, and give them the opportunity now that they see where -

>> DOUGLAS KELLNER: Precisely. And if they're having trouble with their county governments then it's appropriate for us to get involved in that.

>> TODD VALENTINE: And we have in the past when issues --

>> EVELYN AQUILA: We need more details from them. We must absolutely know, do they have a timetable? What are they going to do on that timetable? And if they are having problems then we'll see how we could help them with that.

>> KIM GALVIN: Clearly I don't like to make work, particularly for units I'm not in, but it may also behoove us to figure out the counties that have ordered it, have they trained on it and are they using it as opposed to is it just sitting in a drawer so they missed our scope.

>> DOUGLAS KELLNER: Good point. Now there was a - we've talked about Columbia, Westchester and Hamilton. What was the last one?

>> ANNA SVIZZERO: I can have Joe brief you on Warren because I did not speak with them.

>> JOE BURNS: They've got, I would say, pretty much the same issues as Westchester County. But I would say they're moving in the right direction.

>> EVELYN AQUILA: Excuse me, Joe. Could you speak up a little?

>> JOE BURNS: I'm sorry about that. I would say that they have pretty much the same issues as



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Westchester County but they are moving in the right direction and I'm sure with some further communications we could put together a bit of a better timetable. But they are moving in the right direction.

>> EVELYN AQUILA: They are moving in the right direction? Are they having problems finding place to - storage?

>> JOE BURNS: I think it's fair to say that there were some issues that they needed to work out with their IT department, but again, I can't see that with a little work and a little help it won't all come together.

>> EVELYN AQUILA: You know, the clock is ticking and days are rushing by. Before you know it it's going to be September.

>> TODD VALENTINE: We just need to get a firmer schedule on when they -

>> EVELYN AQUILA: Right. I think so too, Todd.

>> BOB BREHM: I think the issue is where the purchase of the hardware - not to purchase the hardware but what's the best way to purchase the hardware in their county. Either directly from the vendor or independently in order to put the software on. So I think that's what they're trying to work out. I think they also have some warehouse issues, but they're long-term.

>> DOUGLAS KELLNER: Okay, well I think this discussion is helpful and it just highlights that we have to make sure that all 58 jurisdictions are on track to implement this in time for September.

>> KIM GALVIN: I do echo Anna's sentiments that I think that Hamilton County is in a distinctly different position with the fact of their resources and it's not just that they don't want to do it. They really can't get the money.

>> DOUGLAS KELLNER: Yeah but they have to deal with it.

>> KIM GALVIN: Well I understand that.

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>> DOUGLAS KELLNER: I mean, it's not a choice. And see that's one where we may need to -- or tell the county government that they must do this.

>> BOB BREHM: But when they ordered their original voting machines, just their initial order to buy eleven machines spent more money than we had available at the time. And the county government did write the check for that county amount that they needed to make whole. Since then we've received additional HAVA dollars that we've made available through the apportionment and I think they have a balance now maybe half of what they need. There may be other HAVA dollars that may come to them through the pipeline of money that we currently have. If we don't spend the whole \$6 million that's currently in the Aid to Localities on other HAVA related items some of that money would be available to that county. If the congress really does appropriate money for a move and we haven't spent it, we could use that money to replace the Aid to Locality money this year. So there may be other monies.

>> DOUGLAS KELLNER: But these are all contingencies where they have to do it now and --

>> BOB BREHM: Well if they order now -

>> DOUGLAS KELLNER: - but they need to deal with a plan because I know the two commissioners who are the only staff for that board are saying that they still want to have somebody else take responsibility for programming the ballots. And they really need to find a county that's willing to do that for them or we could discuss whether we would do it for them.

>> ANNA SVIZZERO: Well we spoke to them about that this morning. They do, even though they're at wits end trying to resolve this, they do have their hearts in the right place and they are taking it up with the vendor. Before we came into this meeting we saw an e-mail from the board to the vendor asking for a call as soon as possible so they could propose some of the things that Joe and I spoke to them about this morning. So maybe by the end of the day we'll have a little more

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information on whether that can happen. And we can certainly effort with the other counties, getting more specific information from them to either share with you by e-mail, and if it becomes something direr, we can have conversations with Todd and Bob here. Otherwise we can bring this to you at the next Board meeting and if they have not yet been resolved the Board can direct us further at that time.

>> DOUGLAS KELLNER: Alright. Now is there anything else you wanted to add for the election operations?

>> ANNA SVIZZERO: No, thank you.

>> DOUGLAS KELLNER: Thank you, Anna. So we'll turn to John Conklin for public information.

### Public Information / NVRA Unit

>> JOHN CONKLIN: Good afternoon, everyone. Excuse me; my voice is a little under the weather today.

>> EVELYN AQUILA: Yes, I can hear it.

>> JOHN CONKLIN: I don't really have much to add to the written report other than to discuss the extension contracts for HAVA money are almost entirely complete. But we have four counties that haven't sent their contracts in. Unfortunately I'm going to name them. I know that's a breach of protocol but we need to make sure that they are aware that they need to send that stuff to us. It's Clinton, Cortland, Erie and St. Lawrence counties. And this is to extend their HAVA funds beyond the end of this month. So they need to get those contracts in to us. Other than that if anybody has any questions about the written report.

>> EVELYN AQUILA: Is there a deadline on that?

>> JOHN CONKLIN: Well the deadline we imposed is essentially passed. The contract needs to be in place by the 31st of March. So they need to get it to us as soon as possible.

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>> EVELYN AQUILA: Have you called them personally on the phone?

>> JOHN CONKLIN: The unit has talked to them. I have not. I'd be happy to do that today.

>> EVELYN AQUILA: I'm just thinking sometimes that helps.

>> JOHN CONKLIN: Sure.

>> EVELYN AQUILA: Talking to people directly and saying, remind them, March 31st is the deadline. "Oh, I didn't even know that, I'm so busy with everything else!" Sometimes, even.

>> DOUGLAS KELLNER: Okay well thank you, John. Next is campaign finance, Elizabeth Hogan.

### Campaign Finance / Enforcement Unit

>> LIZ HOGAN: Thank you, Commissioners. The written report that I submitted to the Commissioners with the packet basically outlines the work that's being done by each of the units. Additionally outside of campaign finance a bit, and into enforcement, I notified you that the lawsuit for the January periodic has gone to judgment. We're waiting for it to be signed. There were 486 treasurers and candidates on the judgement. Pretty much everything else that's on there is what we're doing. Does anyone have any questions about the written report?

>> DOUGLAS KELLNER: No, it's good. Then we'll move to George Stanton for information technology.

### Information Technology Unit

>> GEORGE STANTON: Okay, thank you. As the Commissioners can see there's quite an elaborate report that I've given you in writing. I get these monthly reports from my staff every month, going back to January, 2000 so I decided to just include the report so that you see if you have any questions and you can ask me. As far as anything remarkable that's going on right now in IT, there isn't much of anything.

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We've made good progress on the new electronic filing system software. We're going to be showing that to Bill and Elizabeth I guess later this week if I remember right. I think we're making good progress on that. When it will be available to actually go out, we don't know, because there are unknown things as far as extra filings that the Legislature might send down the pipe here. We're sort of in wait and see mode on a lot of that stuff right now. But I think we've made good progress. So if you've got any questions -

>> DOUGLAS KELLNER: No news from information technology is always good news.

>> GEORGE STANTON: Yeah it's kind of like being a car mechanic. We do a lot of oil changes, tire rotations, stuff like that.

And when something big comes in it's not good.

>> DOUGLAS KELLNER: Alright. Thank you, George. So, old business....I assume we already had the update on the MOVE implementation?

### Old Business – MOVE Act

>> BOB BREHM: I think the only other draft waiver application I put in for just information purposes- It would be my hope to get this out shortly.

We were waiting for a formal instruction from the FVAP office that's not forthcoming. So we did the best we could, informally, to put this together and I think it's at that point where at least we have the parameters of what we would like to do. That may change, depending on what the Federal Voting Assistance Program itself does. But I think we need to move and get it in. So my hope would be to get it out before the end of this week, as a starting point.

>> DOUGLAS KELLNER: And we do have draft legislation that's circulating and we are working on contracting with a vendor who will be able to help us meet the online application and the ability to send a ballot online if a military voter requests it.

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Alright, great.

>> EVELYN AQUILA: MOVE is moving.

>> DOUGLAS KELLNER: The next item on all this was the legislative update.

### Legislative Update

>> KIM GALVIN: I think this was actually this has moved to three prongs since yesterday. So I'm going to need help. Again, I was out yesterday for medical reasons. But there's the draft legislation on MOVE, that's one thing. There's the new proposal by the state board for consideration that was in your packets. And then there is also - Paul or Bob or Anna or someone can help me, because there were amendments made to two of our old proposals where we had seemingly switched sections of law inadvertently and erroneously that we needed to correct. And then there's a position on a piece of legislation that's before the Governor. So I don't know what order or what questions or -

>> DOUGLAS KELLNER: Well let's start with the bill before the Governor. Can either of you tell us which bill it is?

>> PAUL COLLINS: 42-42.

>> DOUGLAS KELLNER: And what does the bill do?

>> PAUL COLLINS: It eliminates the different certification of enrollment dates that occur every fourth year in a presidential primary which is now more or less meaningless.

>> DOUGLAS KELLNER: And this was not part of our Board package but - So the point here is that we want the Commissioners to endorse the bill and recommend that the Governor sign the bill. So those in favor say "aye".

>> Aye.

>> DOUGLAS KELLNER: Opposed? Alright. Now you had two bills you wanted to add to the

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legislative packet of the Commissioners?

>> KIM GALVIN: Those are the new ones.

>> DOUGLAS KELLNER: Right. And those are in our package under tab four and one is the proposal for amending 9102 and 9108 to correct technical issues that arise from the use of paper ballots. And then the second bill -

>> BOB BREHM: 9102 is the first bill.

>> DOUGLAS KELLNER: Oh, they're separate bills?

>> BOB BREHM: 9108 is a separate bill. So that will be the second one.

>> KIM GALVIN: But 9102 references 9108 so they're --

>> DOUGLAS KELLNER: So the motion before us is to add these to our legislative packet and ask the legislature to enact them.

Those in favor say "aye."

>> Aye.

>> DOUGLAS KELLNER: Opposed? Alright so that's approved. Now was there a third thing that you needed action on?

>> KIM GALVIN: I think because the Board had voted on the original bills. I think perhaps the Board should vote on just the correct -

>> DOUGLAS KELLNER: So specifically what bill are we correcting our proposal?

>> PALU COLLINS: 10 and 12

>> DOUGLAS KELLNER: This is 10 of 2010 and 12 of 2010.

>> PAUL COLLINS: They are technical clean-ups. That's all they are.

>> DOUGLAS KELLNER: Alright. Any discussion on that? Alright so the motion is to modify our request on bills 10 and 12 of the state board package. Those in favor say "aye". Opposed? So that's

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good. Alright so I think that covers the legislative update issues. And we are continuing to discuss the draft of the MOVE bill and we may add that to our package or we'll just sign off on what's being negotiating with the legislature. Next is the resolution to allocate funds for NYSTEC non-security tasks. So Anna do you want to briefly explain what the non-security tasks are that NYSTEC is taking on?

### **New Business – Resolution for NYSTEC non-Security tasks**

>> ANNA SVIZZERO: These are all of the procedural amendments; the creation of policies and corresponding procedures and forms; the project management tasks; the generic vendor conference calls that aren't specifically vendor related. Everything outside of the security and source code reviews, etc., is part of this generic fund. And we do have contract room to continue the project. We just didn't have contract money to pay the next invoice.

>> DOUGLAS KELLNER: Right. And these are available HAVA funds that we have and they don't really change our internal budget.

Is that correct?

>> ANNA SVIZZERO: Yes.

>> BOB BREHM: These are the Aid-to-Locality funds that the Legislature set aside if we needed them and require either a vote to transfer them from Aid to Localities to State Ops and then authorize us to spend the money. So this is the first time we are taking any of the \$6 million dollars.

>> DOUGLAS KELLNER: Alright so those in favor say "aye."

>> Aye.

>> DOUGLAS KELLNER: Opposed? Alright that's adopted. So I think that all that remains on the agenda is the executive session. Before we do that we should discuss our next date. Does anybody



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want to add anything to the agenda?

>> EVELYN AQUILA: No, no. I think we did everything.

>> DOUGLAS KELLNER: The last I heard was that you wanted it three weeks rather than four weeks? I would like April 21.

>> TODD VALENTINE: That would probably work best. I haven't been able to confirm when Commissioner Peterson would be available but it would seem to me the longer would be better for him.

>> EVELYN AQUILA: Isn't that our conference?

>> TODD VALENTINE: Our conference is the following week.

>> EVELYN AQUILA: Is the following week. Okay, okay.

>> TODD VALENTINE: And that would actually work out a little better for us on the 21st because the week before is when we intend to assemble all the conference information because some of that - we're having outsourced.

>> EVELYN AQUILA: What day of the week is that?

>> DOUGLAS KELLNER: That's a Wednesday. It's the only day I'm available that week.

>> EVELYN AQUILA: I understand.

>> TODD VALENTINE: I'll call Commissioner Peterson.

>> DOUGLAS KELLNER: Alright. And if we do need to change it I would say that we could always go into the conference date.

>> EVELYN AQUILA: --

>> DOUGLAS KELLNER: Like the day before. Either right before or right after the conference.

>> BOB BREHM: It's hard because we actually do programming early on the 19th versus the 26th.

>> EVELYN AQUILA: It gives Commissioner Peterson another week.

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>> DOUGLAS KELLNER: Alright so maybe. April 21st right now. So now the motion is to go into executive session to discuss enforcement matters and personnel matters and it's possible that we may actually come back to actually take a vote at the end of this.

But I don't know that it's necessary for -

>> EVELYN AQUILA: We need to vote on the enforcement matters but nobody really knows what they are.

>> DOUGLAS KELLNER: So we may come back for those who technically want to observe, but.

So those in favor of going into executive session say "aye."

>> Aye.

>> DOUGLAS KELLNER: Opposed? Alright we're in executive session.

### Executive Session

>> DOUGLAS KELLNER: I call the meeting back to order to take up the enforcement matters that are listed on the agenda.

CMP10-12, 10-11, 10-10, 10-9, 10-5, 09-10, 08-61, 10-21, 10-16, 10-4, 09-142 and SC09-06/CMP08-69.

Now we made a few revisions in the reports in the executive session and the motion now is to approve all of these reports as amended.

>> JAMES WALSH: So moved.

>> DOUGLAS KELLNER: Any discussion? Those in favor say "aye."

>> Aye.

>> DOUGLAS KELLNER: Opposed? So, all those reports are approved. Is there a motion to adjourn our session? And we're going to continue the executive session on personnel down the hall. But we're not going to take any more official action today.

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>> EVELYN AQUILA: Do you want to vote on that?

>> DOUGLAS KELLNER: So those in favor of adjourning subject to our executive meeting?

>> Aye.

>> DOUGLAS KELLNER: Aright so we stand adjourned.

**End.**