

## Table of Contents

Board of Commissioners Regular Meeting.....	1
Approval of Minutes .....	2
Unit Updates .....	3
Executive .....	3
Legal.....	4
Election Operations.....	6
Public Information.....	8
Campaign Finance.....	11
Information Technology.....	10
Old Business.....	11
New Business .....	11
Allocation of 2011 HHS Poll Site Access Funds.....	11
Chapter 505 Compliance Plan Non-Technical Guide to Poll Site Access.....	12
Authorize the Expenditure of HAVA Funds for Usability and Training Workshop.....	13
2011 Proposed Legislation .....	13
Executive Session .....	16

## Board of Commissioners Regular Meeting

[BEGIN AUDIO]

**JAMES A. WALSH:** Good afternoon everyone, it's about 12:01. I'd like to call our meeting together, my name is Jim Walsh, I'll be chairing this afternoon's meeting. I would like to have my fellow commissioners introduce themselves and then we'll go around the room and have everyone introduce themselves.

**DOUGLAS A. KELLNER:** Douglas Kellner.

**GREGORY P. PETERSON:** Gregory Peterson.

**KIMBERLY GALVIN:** Kimberly Galvin.

**PAUL COLLINS:** Paul Collins.

**JOSEPH BURNS:** Joe Burns.

**ANNA SVIZZERO:** Anna Svizzero.

**PATRICK CAMPION:** Pat Campion.

**TOM CONNOLLY:** Tom Connolly.

**JOHN CONKLIN:** John Conklin.

**GEORGE STANTON:** George Stanton

## NYSBOE Board Meeting April 12, 2011

---

**WILLIAM MCCANN:** Bill McCann.

**ELIZABETH HOGAN:** Liz Hogan.

**BOB BREHM:** Bob Brehm, and if I could just mention Commissioner Aquila called today to tell us—she called yesterday and apologized for not being able to come, because she doesn't like to miss our meetings but she is definitely not feeling well. And she called back today, and sounded that much worse than yesterday, to say she made the right choice; she didn't want to infect us all with her bug but she apologizes for not being here.

**JAMES A. WALSH:** I don't know what it would be, but I know Commissioner Aquila since my first time I'm here--and I'll bet you she has about a 99.9 percent attendance record--so I'm sure this bothers her greatly.

Going around the room, please.

**ROBERT WARREN:** Bob Warren, Elections Operations.

**THOMAS GILBERT:** Tom Gilbert, New York State Commission on Quality of Care and Advocacy for Persons with Disabilities.

**AIMEE ALLAUD:** Aimee Allaud, League of Women Voters of New York State.

**JASON LITWAK:** Jason Litwak, Assembly Election Law Committee.

**DON WART:** Don Wart, Election Commissioners' Association.

### Approval of Minutes

**JAMES A. WALSH:** Thank you all, the first item of business, the minutes of the March 3rd, 2011 meeting.

**DOUGLAS A. KELLNER:** I move the adoption of the minutes as printed.

**JAMES A. WALSH:** And a second?

**GREGORY P. PETERSON:** Second.

**JAMES A. WALSH:** All in favor, aye.

(Chorus of ayes)

Opposed?

Carried

## Unit Updates

**JAMES A. WALSH:** Unit Updates, Bob Brehm and--is Bob doing it alone? Bob's doing double duty here, okay.

## Executive

**BOB BREHM:** Well, I think some of the highlight items are--

**JAMES A. WALSH:** Excuse me, - - I should also add that Todd Valentine is not here, so that he's also sick. I don't think there's any relationship between the sicknesses. [LAUGHTER]

**KIMBERLY GALVIN:** And that's how rumors get started.

**JAMES A. WALSH:** It's bipartisan; one from each party is absent today from sicknesses that are not related. Excuse me, please continue.

**BOB BREHM:** Sure, yes we're all surviving the spring cold. One item of note is the certification to the Federal Election Assistance Commission of what we believe is compliance with the requirements for Title 3 certification that Todd and I submitted last Friday. It should start the discussions with the EAC for the use of any residual funds, as we call it, for the Shoebox Program. That they reimburse the counties for expenses they already had that are allowable and to start the expenditure of funds - - the Administration of the Federal Election. You know, it's one of the items with the Federal Election Assistance Commission--my book was on the mic.

**GREGORY P. PETERSON:** You can do that when I'm speaking. [LAUGHTER]

**BOB BREHM:** There's a move afoot to abolish the Election Assistance Commission and also the funding issues in Washington, but I think we are at the point in our time where we had done what was necessary in the Title 3 working to document according to the state plan those items that we had put in the plan that we would use as our gauge that things were being completed and were completed. So we submitted that and we wait for the further conversation with the EAC on the Shoebox Program. For some time the EAC had indicated an effort to give guidance to counties on this program; we still have not received that guidance. They don't have a majority; they only have two of four commissioners, so I think that might be part of the delay in giving us guidance--that they may need a majority in order to issue the policy. But certainly, we look forward to continuing that effort, because our counties are really interested in how that Shoebox Program will help to finish the implementation issues. One other item that we worked on and actually we were ahead of schedule, which was the review of the internal controls with the units and to update the documents that were the--a report was due to the Division of Budget by May. We submitted it already, and we added two new items during that internal control review with the units. One was public information to add MOVE Act compliance items as a unit responsibility to update their Internal Controls as to how that is going to be completed. And the second was through Elections Operations with the usability issues as a unit item for them to add to that Internal Controls document.

One other--I think the last item that was a substantial amount of time other than the routine work of the agency and it crossed over a number of units--was working with the subcommittee of the Election Commissioners' Association on the charts of items under the political calendar that are being discussed. We've had a number of conference calls, shared documents with each other, I know Don Wart's here--current President of the Association. Don was on a lot of those phone calls, both that we were on and the Association was on, on their own.

## NYSBOE Board Meeting April 12, 2011

---

And I think it's been very helpful to have the dialogue as to what we agree on and the issues with what are the existing challenges for the calendar as it exists and what might be right for consideration as they try and solve whatever issues going forward. So that was a lot of work and it was very helpful, I think from our perspective and I think we share a lot of good ideas. And those are the three major issues.

**JAMES A. WALSH:** Thank you, Bob. Legal, Kim Galvin.

### Legal

**KIMBERLY GALVIN:** Thank you, Commissioner.

Actually the unit's been very busy; well I finally submitted the letter to Judge Sharpe and moved the status reports to once a month or whenever is needed in the machine implementation case.

And I continue to talk to the Department of Justice infrequently now trying to figure out a strategy for the last remaining issues there in that case; most notably the database that the Department of Justice is still making a determination on.

We also worked with the Department of Justice still, today, on the last election's military ballot transmittals and some clarifications as to some of the county numbers. And unfortunately, despite repeated efforts Nassau County refuses to give us any updated information. We've tried in writing a few times, we've tried phone calls, so unfortunately I'm sorry to say that we'll have to be reporting them as delinquent to the Department of Justice. There's nothing else I can do to think to get them the simple information clarifications, but they just won't give it to us so that's the--

**GREGORY P. PETERSON:** I'll make a phone call on that and see if we can light a fire under them.

**KIMBERLY GALVIN:** I'd appreciate that and prefer that. I just, you know, hate to tell the Department of Justice that we're unable to get them without some sort of terrible action, but we've tried the regular routine channels and it doesn't seem to be working.

As Bob said we have participated in a lot of the meetings on the statutory changes needed to move the primary. We have also provided the Department of Justice with a written report that was due by April 1st as to all the progress that we've made outlining all the meetings that we've had, all the conversations that we've tried to do, all of the calendars that we've created in an effort to show them that the State Board is doing whatever we can to encourage the legislature to take a hard look at this and try to bring itself into ensured compliance as we move forward, which is an effort.

We've also spent a great deal of time on the federal litigation cases that are still brewing with regard to discovery of documents and reviewing of motions.

We've also continued to monitor any of the other cases that the Board is involved in, we're still waiting for decisions in the Schultz case, the Redlich case and the Nassau County case where motions to dismiss have been made. And Paul did get a good decision in the Germalic case; his motion to dismiss was granted by Judge Hurd down there.

We continue to work on the development of the State Legislative--or the Board's package of legislative changes. I mean, granted it's been a difficult effort in the sense that a great deal of us think that we should be focused almost singularly on the moving of the primary and to continue to reiterate that it's a priority. But there are some bills that were added to last year's that are some cleanup that are good, I think, good bills: one in particular for the counties, and one just replacing some language that was inadvertently omitted last year.

## NYSBOE Board Meeting April 12, 2011

---

I know that Bob talked with me offline and there maybe--we'd need to do some federal reach out as well on the retention bill for ballot retention that you have in your packets, but we'll do that as well.

We've finalized our section of the Annual Report. We've started to update our conference material, it's all of the routine things that interestingly--you know, there's a special election in the 26th Congressional District, but people forget about it. On Friday the Department of Justice called and they said, "Well, it's the 45th day before that election, did all the ballots go out?" [CHUCKLES]

I said, "Is it really, already?" And they said, "Yeah." And I said, "Oh!"

And they said, "You're still under that consent decree," so luckily Public Information and Tom Connolly had been getting the information so it was a much easier answer for me than I was anticipating. But they were also thinking that their government was going to shut down, so they were telling me how to communicate with them in the event that they were not allowed to go to their office. So it was a pretty interesting Friday afternoon call, but I'm working with Tom to go over--and you know Anna's unit obviously--that's just --.

**DOUGLAS A. KELLNER:** Well, the bottom line is the ballots did all get out, yes.

**KIMBERLY GALVIN:** They did, they did all go out and they all went out on time, but again there's more reporting inconsistencies because people forget to put this or this doesn't match. You know, it's requiring even more follow through to get the numbers right, so I know the counties think that we do it for kicks, but really we don't want it. So if we could all pay attention when we do it the first time it makes our lives a little bit easier and I think that's it unless you have anything to add, Paul?

**PAUL COLLINS:** Yeah, I'm having a great deal of fun with Nassau County. The motion to dismiss was argued on the 18th of March up here in Albany County, Judge Lynch asked for an additional memo of law and a couple of points of law; that's due the 18th of April. The brief to the Second Circuit on our appeal from the original discovery order in Nassau is due to the 21st and that's the extent of our enlargement to perfect, so we'll get those out.

**DOUGLAS A. KELLNER:** Third Department, right?

**PAUL COLLINS:** Second Department.

**DOUGLAS A. KELLNER:** Second Department?

**PAUL COLLINS:** -- Yeah, it doesn't transfer.

**DOUGLAS A. KELLNER:** -- Not the Second Circuit?

**PAUL COLLINS:** If Judge Lynch were to dismiss the case, that appeal would become moot, then Nassau would take its appeal to the Third Department up here, but the fact that it's from an interlocutory order it stays down in the Second Department.

So we'll be filing that brief next week and as Kim mentioned Judge Hurd in the Northern District dismissed the challenge to the New York Election Law requirement that petitioners be New Yorkers registered to vote in New York. He did that on standing grounds, which is generally how we like to attack things in the first instance and we are still waiting for Judge Kahn to issue an opinion with respect to our motion in the other case. And again, that's outstanding, so we're having fun.

**KIMBERLY GALVIN:** A lot of fun.

**JAMES A. WALSH:** Thank you both, Election Operations, Anna Please.

### Election Operations

**ANNA SVIZZERO:** Thank you, Commissioner.

We have been busy in Election Operations, we did provide as Counsel referenced the proclamation and the certified candidates list in regard to the 26th Congressional District Special Election. We also issued a Certificate of Vacancy in the 27th Assembly District, which is in King's County.

We did review our Internal Controls with the two co-Executive Directors; we've added usability to our unit functions that are going to require some monitoring in regard to those, but we did resolve a couple of our existing Internal Controls risk factors. So I think we're at the same level, we just have different topics that constitute that document.

We are making progress with our asset management product that is working through some data migration issues with the vendor. We are still going to be piloting that in Schenectady County. Our hope is to have some sort of a very preliminary pilot in the month of April, so that we can report to the Commissioners at our conference at the end of the month. So that is still our goal with regard to that project.

We have been processing County Board requests, some of them are purchasing additional privacy booths and we do have a grant program to reimburse those for booths that runs fairly quickly. They usually receive their checks within 30 days.

We have been assisting staff as we always do with quarterly testing, other voting system issues the hot topic was village elections and whether they could or should use scanners in that village election cycle, so we were very busy along those lines.

We are making considerable progress in conducting our county on-site audit of voting equipment and other assets in each of the counties. We're approaching the two-thirds of the state level as far as reviewing them and we expect to do a number of them. We're going to be doing on-site monitoring in the 26th Congressional District, so we expect to take another chunk out of that to do list.

We have some progress so to speak, to report with regard to our certification efforts. Dominion has submitted their source code for both the fixes and related upgrades and also a central count system. The source code is at Wyle, which is testing source code, reviewing source code; those results will be provided to our own lab SysTest, which now has a new name--SLI. It probably stands for SysTest Labs Incorporated, but in any event, they have submitted their hardware for the central count system to SysTest. We're waiting for a central count system to arrive here. That has not happened yet.

ES&S has also a source code at Wylie that's being reviewed; that's expected to be completed in about three to four weeks. Again, that testing will be provided to SysTest Labs for review and we're waiting on a time line from ES&S as to when some of those pieces will be migrating over, but we don't expect anything for at least another three to four weeks. We have not heard anything from ES&S on a central count system, there was some talk that they'd be submitting one but we have not heard anything along those lines yet.

For our part here in the office we intend to do the functional testing for this round of certification testing to try and mitigate some of the cost for the vendors. It would be considerably less for us to do that testing and compensate the temp staff we bring in to do that, than it would to pay SysTest.

## NYSBOE Board Meeting April 12, 2011

---

And I think we have better control of the time spent on that project. We have developed already the ballot designs that are going to be used for that functional testing and we're in the process of developing functional test cases for the central count system and updating those cases on the two scanner upgrades, so that we can follow along the same lines that we'd already established in the first round of testing.

And other than that working with Counsel's office on the legislation and participating in the various conference calls and webcast meetings that Mr. Brehm referred to. I think we are--I'll defer to Joe to bring you up to date on the usability aspect of this, we do have a resolution for you in today's packet. And I think that's it.

**JOSEPH BURNS:** You'll see it later on, the resolution where we're asking for \$10,000 for a usability expert. We received I believe four offers from different experts and institutions to conduct a workshop or class here for our staff. And the prices range from approximately \$5,000 to approximately \$10,000, so 10,000 should be able to cover the costs of the workshop and any other travel. And assuming the Board does approve, I think in the next couple of days Phil, Anna and I will probably put our heads together to determine who we want to go with.

Beyond that Bob Warren and I will be making a presentation at the conference later this month on ballot design and usability that I can promise you will knock your socks off. [LAUGHTER]

And I say that in all sincerity. And that's about it.

**DOUGLAS A. KELLNER:** I'm looking forward to that. [LAUGHTER]

Can you tell us what's happening with the work with the Election Commissioners' Association Committee on the ballot design and usability and the Brennan Center very initial draft of legislation that they put together?

**ANNA SVIZZERO:** I think we all have the same goal in mind. I think that the Commissioners took a second look at working hand in hand with the Brennan Center since they are suing us. And I think that there was some concern on the Commissioners part that their own words might come back to haunt them and they didn't want to derail any efforts that we had in regard to the litigation or in regard to any agreements that we might reach on their behalf.

I would note for the Board that Don Wart is here; Don is the President of the Commissioners' Association and perhaps he has comments that he'd like to share. But I do think we all have the same goal in mind though they have backed off a bit from their desire to work hand in hand with Brennan and wait and see how we work out our efforts with the Brennan Center and the others that are involved in that particular litigation. I don't know what else we can discuss in open session, so I don't want to violate any rules, but I think we all know what the issues are.

I don't know that there is one way to resolve all of our issues, there are probably a lot of bright ideas out there, but I think like anything else we'll take the best of what we see and solve as many problems as we can. We would like a perfect system, but I think it's hard to have a perfect system and it's hard to accommodate every nuance of everyone's concerns with the system that we do have.

But I think we're on the right path and we have a lot of good ideas to consider and to share, but again that's in the course of this litigation so I don't have anything else to add to bring us up to speed unless the Commissioner does.

**JAMES A. WALSH:** Any other questions?

---

## NYSBOE Board Meeting April 12, 2011

---

**DON WART:** If you'd like sir, I will be glad to say that the Commissioners' Association is in a position of sort of taking a back seat with the Brennan Center. And our position is that as far as present time we would be more than happy to receive anything they wish to submit to us. We feel that we should not make any decisions on anything until we see what's being submitted by the Brennan Center, by what's coming out of the usability study of the State Board, and by what the other counties feel is necessary or possibly a better way to do things. So we're kind of right now in a gathering information point, we don't really want to take a forward step until we see everything from everybody.

**JAMES A. WALSH:** That's very wise. [LAUGHTER]

Thank you, NVRA John Conklin.

### Public Information

**JOHN CONKLIN:** Thank you, Commissioner.

As you know the Annual Conference is coming up at the end of the month, the whole unit is involved in a lot of preparations for that, so that's ongoing.

We're continuing our NYSVoter audit visits; since the last Board meeting Patrick and Greg have visited Cortland, Broome, Chemung, Schuyler, Tioga, Tompkins, Albany, Clinton, Franklin, St. Lawrence and Hamilton. We have a few counties remaining plus the City of New York. The plan is to have all of the state completed by the end of June before the local boards begin to feel their crush from their local petitions. We sent out emails to the remaining counties to schedule those board visits, so if they're watching please get back to us with your availability. Our consultation with the Working Group for Compliance with Chapter 505 of the Laws of 2010 has resulted in a non-technical guide for poll site accessibility and an updated survey instrument for which we have a resolution in the New Business portion of the meeting.

We have the usual volume of inquiries from the public and the press, in particular regarding the special election called in the 26th Congressional District in addition to our FOIL requests. The unit's also assisted the seven counties in the 26th Congressional District in getting out their absentee ballot materials and the ballots themselves.

The Annual Report is being worked on, all units have submitted their different parts of the report, so it just has to be integrated, edited and then finalized. We want to remind all the counties that their quarterly reports are due, so please get those in as soon as possible. We also have contract extensions that have been sent out for the various pots of grant money that the unit manages, so please return those if you have not already done so. And we also received the 2011 HHS Vote Grant award notice, there's also a resolution in the New Business section for allocation of that pot of money as well.

For the website we've posted the following materials: the Campaign Finance Unit's seminar schedule for the spring, the Filer Update, the Campaign Finance filing calendar, the new political calendar for 2011, certified ballot for the 26th Congressional District, political calendar for the 26th Congressional District, and results for the Governor's race from last year by Assembly District.

Do you have anything to add, Tom?

**TOM CONNOLLY:** I think the only other thing I would mention on that is in regards to the Chapter 505 compliance. What the other resolution on it is for is kind of the material aspect of that compliance, which is the non-technical guide and the survey tool.



---

## NYSBOE Board Meeting April 12, 2011

---

As part of that compliance we're also going to be working with the various counties to identify and train staff to help them perform the surveying of the various poll sites to ensure that any new poll site would also be accessible. And we'll be working with CQC, Tom Gilbert's here from CQCAPD, as well to really flesh out the details, so that we can have them to present to the Commissioners at the conference at the end of the month.

**JOHN CONKLIN:** That's it for PIO unless there's any questions.

**JAMES A. WALSH:** Thank you gentlemen, Campaign Finance, Liz Hogan please.

### Campaign Finance

**ELIZABETH HOGAN:** Thank you, Commissioner. I did submit a unit update, I'm not sure if it's in your packet but I'll go over briefly what I did put in the update.

As I normally do I'd like to give you some data about the previous month's work volume. In the intake and processing section of Campaign Finance we opened 177 new committees, terminated 242, registered committees to date number just over 11,000. Our call center staff, which is basically two and then some people, a couple of people, contributing on a when-they-can basis, so sometimes three, handled almost 700 telephone calls in March.

In March we had completed the writing of and the implementation of a new termination of committee procedure. Bill and I had discussed it and determined that a greater uniformity of application of factors of allowing for termination was needed and so we had staff write a new report and that has been implemented and, you know, we're working through a few kinks in that.

As well, one of the other issues that presents itself very frequently is the resignation of treasurers and Bill and I again sat down and discussed that we need a uniform application in deciding when treasurers can resign and what has to be done before they can do so.

So staff is in the process of writing and finalizing a procedure and we'll implement that as well. As you're aware we were statutorily mandated to recalculate the regs that appear in 6214 in February, we did this, the reg is still pending, it's at the Department of State as of now and it's our understanding it will be finalized by the end of the month. The newly calculated limits do appear in the statute and they do appear on our website and there's a caveat that says that basically we anticipate those limits being in effect once the reg process has--we've gone through. From Bill and my perspective we've talked about it and our position to people who are calling us is that those limits as they're set forth in 6214 right now are the limits that are appropriate. So those are the recalculated and higher limits than appeared in the statute last year.

We did submit the return date for a judgment for the January Periodic Non-Filers was March 17th. That judgment is not signed yet.

The Education and Training part of our unit, our staff has been working with IT very, very closely over the past months and projects they're working on include the redesign of the Campaign Finance section of our website. To make it more usable from our perspective in terms of the discussions that we have with our callers and how we think that they need information presented in order to get the most out of it. And IT, you know, has been very good in working with us to try to get that format in place.

We are continuing to work with them on a schedule that the staff has worked out between them on that software issue, you know, the redesign in terms of the usability. It's not, as we've said, it's not a web-based system, but the usability function of it and what here internally we will get out of this different software will be markedly better, so we're continuing to work on that.

## NYSBOE Board Meeting April 12, 2011

---

We're also working with IT and George will probably talk about this further, but I'll just touch on it that our staff is involved in working on the internal intra-agency software, we call it our FIDYS, which is our Financial Data System. And it's the screen that comes up when we're in the system and looking at a particular committee and getting all kinds of information about that committee from the treasurer to the registration date to the filings and all of this. And we're working with IT on that as well and I'm sure George has some more technical kind of things that he could talk about, but that's what time from my perspective is being devoted to.

The Education staff has finalized and it's posted to the website the Spring seminar training schedule, it is held in May and June. We've gotten numerous calls, because we do have the link for registering for the seminars on the website, but we've gotten some calls because people can't find it. And I'll just say, you know, if anybody asks about the link you have to use that scroll bar on the bottom to get all the way to the right-hand side of our webpage, the homepage of our website, because you can't see it unless you scroll over. So if anybody asks about registering for seminars please tell them you have to do that.

The Audit staff is working on a number of audits, you know, we meet regularly with them, and staff meets between themselves. You'll see that the one of the audit issues is on for your consideration today.

We worked on the 2010 Annual Report, submitted it to John, we've been working on conference materials for our conference at the end of this month.

We, as has been said by a number of people, worked on, reviewing with Bob and Todd, the Campaign Finance and Enforcement sections of the Internal Controls Report. And, you know, from the time that we assessed our risks and identified our deficiencies in Campaign Finance and Enforcement--I think two years ago was the first time that we actually in one place in a report put on paper a significant number of deficiencies that we were working on at the time, but that definitely were--it wasn't so much the risks, because our risks are relatively low. It's not like Ops risk may be relative to the machines or something like that, but deficiency-wise there were some issues that had developed over a long period of time that we had identified. And I was--you know, I'm very pleased to report to you that the review of that report really showed significant--you know, dealing with those deficiencies in an incredible way.

You know, so we've done a lot of work over the past couple of years to work and eliminate the deficiencies and I feel at this point, you know, we've instituted more efficiencies in our unit than has been there for a significant period of time.

So Bill, do you have anything you want to add, otherwise I'm finished.

**WILLIAM MCCANN:** Well, I really just have one litigation matter that - - a few minutes in the Executive Session to update the Board and to bring it up at that discussion would be great.

**JAMES A. WALSH:** Any further questions?

Thank you, ITU George Stanton.

### Information Technology

**GEORGE STANTON:** Afternoon, in no particular order of importance, IT has been working on several projects. One of the things we're doing is working on the migration from our own GroupWise email to the state-wide NYSEmail they call it--the state-wide email system--we've been waiting for we had to purchase a lot of licenses and migration software. And I think we're getting about to the end of that procurement, so we have another meeting with OFT this Thursday.

## NYSBOE Board Meeting April 12, 2011

---

I'm not sure where we are on the schedule of migrating over, it was the end of April but it might be kicked back two weeks, because we had to wait for some of that procurement.

We are working on the EFS software as Elizabeth said in addition to working on the last bunch of changes that the group from Campaign Finance gave us. We're also doing a complete update of the way the software is presented to make it more aesthetically usable for the consumers.

The other project she mentioned, the FIDYS--we call it the FIDYS reengineering--we had asked for money from the state to do some work, you know, three or four years ago when we came up for the county stuff. They've never given us any money so about a year and a half ago I told my staff to go ahead and start working on reengineering it. We've had basically one person working on it in that time and he's really done a good job--Dennis Caro--of reengineering it.

We presented it to Campaign Finance here about a month ago I guess and got a lot of positive feedback, so we're going to go ahead and continue to put it in a development area where they can look at it. Unfortunately Dennis is retiring within the next month or so, so it's going to have to be turned over to a couple of other of our programmers, which are very capable of doing it. It's just going to probably slow things down when it's added to the rest of their required things that they have to do.

We did do the state-wide enrollment stats on April 1st and published them to the website.

We worked with the co-directors to update our Internal Controls Report, submitted our annual report to PIO, and we've been helping NTS in the conversion of Monroe County's voter-registration database from EZ-VOTE, which is Hamer Enterprises out of Texas. They're the only one in the state that used that, but NTS; sold them a contract, so they'll be NTS's 50th county so that'll help standardize a little better our state-wide system.

And in a nutshell that's about it unless anybody has any questions.

**JAMES A. WALSH:** Thank you, George.

### Old Business

**JAMES A. WALSH:** Any Old Business anyone has that we would be considering? If not, we'll move on to New Business.

### New Business

**JAMES A. WALSH:** A vote on a resolution for allocation of 2011 HHS Poll Site Access Funds--John Conklin, Tom Connolly and Pat Campion.

**JOHN CONKLIN:** Well, as I said in the unit update the resolution is to allocate the funds from the 2011 HHS Vote Grant, it's according the same formula we've been using for the county since 2004, so it's very straightforward.

**JAMES A. WALSH:** Anyone have any questions?

**DOUGLAS A. KELLNER:** I move the resolution.

**GREGORY P. PETERSON:** Second.

## NYSBOE Board Meeting April 12, 2011

---

**JAMES A. WALSH:** In favor, aye.

(Chorus of ayes)

Opposed?

Carried.

Before going to Item B, I understand we have someone who would like to address us, Tom Gilbert from the Commission in Equality of Care and Advocacy for Persons with Disabilities. We're going to be considering a resolution approving Chapter 505 Compliance Plan Non-Technical Guide to Poll Site Access. And if you would please, Tom?

**THOMAS GILBERT:** Yes hi, thank you Commissioners.

Yeah, we've been invited by the State Board of Elections--I direct a number of protection and advocacy programs for the Commission on Quality of Care and one of those is protection and advocacy for voter access. And it's to assist persons with disabilities in creating an inclusive accessible voting experience, and I think we've had a fairly unique relationship with the State Board of Elections over the years. And that we've been of some assistance to them I'd like to think and we were recently invited to assist in the Access Bill enactment where we'll be conducting a state-wide training. And I say we, it's the two PAVA agencies, which is the Catskill Center for Independence and the Center for Independence of the Disabled in New York. And Upstate and Downstate Division will be conducting, I think nine - - I think depending on attendance. And that will be basically to assist in educating those individuals that will be responsible within the local districts for surveying the polling sites and reporting back to the State Board of Elections on the accessibility of their polling sites. So we'll be basically training people in how to survey what an accessible polling place should look like and we're looking forward to over the next couple of months in assisting the State Board and moving that along. If you have any questions I'm happy to answer those.

**JAMES A. WALSH:** Thank you very much, appreciate your service.

All right, we will take a vote on the resolution or if we have a motion to vote on the resolution approving Chapter 505.

**DOUGLAS A. KELLNER:** So moved.

**GREGORY P. PETERSON:** Second.

**JAMES A. WALSH:** Seconded, all in favor aye?

(Chorus of ayes)

Opposed?

Carried.

**BOB BREHM:** If I could Commissioner, just I think it's helpful to remind the counties that may be listening while we mention a new survey, the survey has not changed; it's the same survey that we have used. And I think I reported at our last full meeting, most of the documents are the same, they're only updated. We've published them, the first guide was published in 2006 and with the group's help we updated to be more current the Non-Technical Guide. The new material mostly is in the training program that will be offered to help provide training to the county people who are going to do the--who have to actually conduct the surveys or review the surveys to make sure that they understand, you know, if they're not in full compliance are there options that we can use to bring them into compliance with the use of some of the federal funds that we have available or go pick a new site.

## NYSBOE Board Meeting April 12, 2011

---

So it's not all that different than what we have been doing since 2006. The survey is the same instrument so people won't be nervous. The training is going to be updated and we will run them through the assistance of the PAVA agencies and I think that's a great help to us. Using the money they previously approved of the resolution you just adopted, that the HHS money is available to do the surveys and to pay for training. So it is a pot of money under the federal program that certainly would be good to use to train your people, so that in any future sites that need to be surveyed that the county has a staff available, well trained and able to comply with the program.

**JAMES A. WALSH:** Thank you, very helpful.

Item C-- vote on a resolution to authorize the expenditure of HAVA funds for usability and training workshop--Anna and Joe Burns, anything you want to make a comment on?

**JOSEPH BURNS:** Well, like I explained before this allowing for up to \$10,000 to be spent. That should be enough to cover any of the experts that we've reached out to already. Oh yeah, Anna reminded me, it is a workshop that'll take place here at our offices.

**JAMES A. WALSH:** Any questions?

**DOUGLAS A. KELLNER:** I move the resolution.

**GREGORY P. PETERSON:** Second.

**JAMES A. WALSH:** All in favor?

(Chorus of ayes)

Opposed?

Carried

Item D vote on the 2011 proposed legislation--Kim and Paul?

**KIMBERLY GALVIN:** As I mentioned earlier this is what we view as, you know, if you're looking at it the first few - - before the last three on the back page. I didn't realize it was double-sided copy and I got confused there for awhile, so just make sure that you flip it over. One of our efforts to save money, I say to the camera.

Are the new ones for your consideration and these do not include, as I've said privately and publicly a number of times, the mass amount of changes that will be required if and when the primary is moved. And I think it's important that when we send these to the legislature--some of which are already on Assemblywoman Millman's agenda actually for this week--that we reemphasize again for the Department of Justice in furtherance of our compliance efforts that we prioritize the movement of primary.

So if it's without objection when we send that letter I'd like to make sure we point that out again. I know that I sound like a broken record, I'm sorry for that but they are watching, sure.

**DOUGLAS A. KELLNER:** On the Proposal 1103, which we call Exempt Election Workers from Jury Duty, I'm going to vote for it but I still suggest that we would be in a better position to accomplish this if we change the way it's presented. So that instead of exempting election workers from jury duty we should say that election service counts as jury duty.

And in several states for example, what we call inspectors they call election jurors and indeed in colonial times and in New York up until about 1860, election workers were selected just like jurors were selected from the citizen pool and drawn at lot and said, "Okay, you're going to be the election clerks."

## NYSBOE Board Meeting April 12, 2011

---

So I'm just saying I think that we might be able to--

**GREGORY P. PETERSON:** Where do you find out this stuff? [LAUGHTER]

**KIMBERLY GALVIN:** I don't know.

**JAMES A. WALSH:** No one can dispute history, though.

**DOUGLAS A. KELLNER:** So--

**KIMBERLY GALVIN:** So would your proposal be to change the whole mechanism or just have it count or do you actually draw from that pool?

**DOUGLAS A. KELLNER:** As I say instead of writing it up as an exemption from jury duty, which the chief judges adamantly oppose to--

**KIMBERLY GALVIN:** -- Yes, freak out yeah.

**DOUGLAS A. KELLNER:** --for good reasons, I understand why they oppose that. If we presented it as counting as jury service it would have the same effect without the baggage that--it would make it easier for the legislature to swallow, that's all.

**KIMBERLY GALVIN:** That's perfectly logical.

**GREGORY P. PETERSON:** It is logical.

**DOUGLAS A. KELLNER:** So I just throw out that as a suggestion. In the meantime we should move our package.

**JAMES A. WALSH:** Was that a motion?

**DOUGLAS A. KELLNER:** Yeah, it is.

**JAMES A. WALSH:** Do we have a second?

**GREGORY P. PETERSON:** Second, I'm sorry.

**JAMES A. WALSH:** All in favor?

**GREGORY P. PETERSON:** I'm just thinking because it's logical it would never go through.

[LAUGHTER]

**JAMES A. WALSH:** It's going down in flames.

**GREGORY P. PETERSON:** That is a problem.

## NYSBOE Board Meeting April 12, 2011

---

**JAMES A. WALSH:** All in favor?

(Chorus of ayes)

Opposed?

(Silence)

Carried, now we have our cases.

If there is no problem we can accept the resolution, but we do have a request to go into Executive Session, but I'm just saying we could vote on the cases.

**DOUGLAS A. KELLNER:** The cases we can vote on, now I have no comments on them so I'll move the list of dispositions as proposed by the Campaign Finance Unit.

**ELIZABETH HOGAN:** Before you take a vote may I ask that could you just give me one second.

**JAMES A. WALSH:** A second, so it's officially on the floor.

**GREGORY P. PETERSON:** Second.

**KIMBERLY GALVIN:** In the interim I could remind everyone that their financial disclosure forms, - - I sound like one of those people--are due May 16th. Apparently you can file them online until you receive your email on April 15th for all of you people that try to get ahead of the curve. I applaud your efforts, however I'm sorry they didn't tell me that when I first sent around the email.

**BOB BREHM:** -- I thought it was late until you sent the second email.

**KIMBERLY GALVIN:** Okay, I will continue to harp on that. If you don't want to be on that list, okay.

**ELIZABETH HOGAN:** Regarding CMP-09155, I was proposing that the determination be changed just a bit to add that it shall serve as notice to the person complained of relative to the conduct, that the conduct was unacceptable. So I had meant to add that to the document and it had slipped my mind and I thought this was the most effective way of doing it. And then after our meeting. I'll change that wording; is that okay?

**GREGORY P. PETERSON:** Yes, that's fine.

**DOUGLAS A. KELLNER:** Okay, so--

**BOB BREHM:** So as amended was 09--

**DOUGLAS A. KELLNER:** I'll restate that, right. So I'm moving the list with the correction to 09155.

**JAMES A. WALSH:** A second?

**GREGORY P. PETERSON:** Second.

## NYSBOE Board Meeting April 12, 2011

---

**JAMES A. WALSH:** A second; all in favor as amended?

(Chorus of ayes)

Opposed?

Carried.

We should set our date for our next meeting before we go into Executive Session.

**DOUGLAS A. KELLNER:** I would hope we could do it the week of May 9th, because the week before that and the week after that are going to be problems for me.

**JAMES A. WALSH:** Sounds good, and you'll have to clear it with Evelyn tonight.

**BOB BREHM:** I'll check with her.

**DOUGLAS A. KELLNER:** How about Tuesday, May 10th?

**GREGORY P. PETERSON:** Ok.

**JAMES A. WALSH:** That's good with you, that's good with me.

All right, we will meet noon May 10th will be the next meeting of the State Board of Elections; any other business to come before us? If not we'll accept a motion to adjourn--

**DOUGLAS A. KELLNER:** Well, we're going to--

**JAMES A. WALSH:** --or I'm sorry, the motion to go into Executive Session.

**DOUGLAS A. KELLNER:** -- Move to go into Executive Session to discuss litigation matters.

**JAMES A. WALSH:** A second?

**GREGORY P. PETERSON:** Second, I'm sorry.

**JAMES A. WALSH:** All in favor?

(Chorus of ayes)

Opposed?

Carried.

We are now going into Executive Session.

[BREAK FOR EXECUTIVE SESSION]

[END AUDIO]