

Approved
May 3, 2006

Minutes of The New York State Board of Elections
Thursday, April 20, 2006

The regular meeting of the State Board of Elections was called to order at 12:45 p.m. at the office of the New York State Board of Elections, 40 Steuben Street, Albany, New York 12207. Commissioners present were Co-Chair, Neil Kelleher and Douglas Kellner, Commissioner Evelyn Aquila and Commissioner Helena Donohue. Staff present were: Stanley Zalen, Peter Kosinski, Todd Valentine, Michael Johnson, Lee Daghlian, Anna Svizzero, George Stanton, Pat Murray, William McCann, Robert Brehm and Allison Carr. The meeting was chaired by Commissioner Kellner. Guest list is attached.

Minutes of March 21, 2006 - approved as amended

Minutes of April 3, 2006 - approved as written

A brief discussion on the procedure of recording the board meeting minutes resulted in a 4-0 vote for Lee Daghlian to investigate the cost of a competent recording system and to report his findings to the Commissioners at our next meeting.

Unit Update:

- **Legal Unit:** - Todd Valentine reported the following:
Lopez v. Torres: arguments are scheduled for June 7, 2006. All briefs have been filed.
D.O.J. v. NYSBOE: Plan B was filed with the Court on April 10th, 2006. We are currently waiting on two counties' responses to our survey and these responses will hopefully be completed today.

Draft voting machine contracts were received from the Office of General Services (OGS) for our review. Also, met with DEMOS and the Brennan Center for Justice about the felon voting issue. They reviewed some issues and there will be a presentation by Patricia Murray on this topic at our annual conference in Syracuse, N.Y. The Brennan Center and DEMOS will have a display table at the conference with information made available to the public.

- **Election Operations:** Anna Svizzero reported that the candidate list has been certified for the special election to be held in the 142nd Assembly District and they also issued the list of Supreme Court vacancies for the upcoming election.
The NCOA process with the counties has begun. Also, the final draft of the rules and regulations will hopefully be done today. Anna also reported that four marking device systems for Plan B have been delivered to the Board. The first testing had been scheduled for April 21, 2006 to be completed by the independent testing authority (ITA). At this

point, Commissioner Kellner stated that this phase is late and that we need to be on time with the calendar sent to DOJ and the Court as part of our plan. He stated that the ITA hasn't met its' commitment. It missed this date (April 21, 2006) for several different reasons. This is totally unacceptable to us. There was a long discussion about sticking to the dates that have been outlined and there has to be a good reason for us to adjust these dates. Commissioner Kellner stated that we need to give more information to the counties so they can be ready to order machines by May 22, 2006. It is also important since we told the Court that we would meet these dates. Anna also stated that we need more information from the vendors before we can pass on information to the counties.

- **NVRA/PIO:** Lee Daghlion commented that the conference in Syracuse has been planned and that the four vendors displaying the ballot marking devices be segregated in a separate room so that the attendees don't miss them.
Lee also stated that the Train the Trainer program has been developed. There will be seven different seminars throughout the state. The cost is approximately \$1,000 per seminar which includes the fee and all travel expenses. Lee asked for a vote by the Commissioners and the vote was 4-0 to agree.
Lee also stated that the statewide curriculum for poll worker training has been completed and has been sent to the O.G.S. print shop. These training manuals will be handed out at the conference in Syracuse. Lee concluded by thanking Bob Brehm for his contribution to the creation of this training manual.
Lee stated that there will be a two day training seminar on NVRA in New York City during June which will be hosted by Greg Fiozzo.
- **Campaign Finance:** Michael Johnson reported that he and Bill McCann will be doing a short session on local campaign filing at the conference in Syracuse and that scheduling for the May and June seminars is complete.
- **ITU:** George Stanton is continuing to do upgrades to the hardware and software for the statewide database. The RFP for the system integrator for the database has been completed. George reported that the hardware and software is in place for NYS Voter One. The last issue George presented was a request to hire Gartner for the regulations for NYS Voter One . George has received a quote from them and he needs the Commissioners to vote on this quote. People need to be hired by Gartner who would be responsible for doing this job. There was discussion about whether Gartner is really needed in this situation as time is so short. More discussion on whether they would be needed before or after the rules are written for implementation purposes. In the end, it was moved that the decision be made by staff that as long as the Democratic staff were in on the interviewing process, as well as everyone else, then to go ahead and hire these people.

At this point, Commissioner Kelleher objected to the reason for the partisanship in this issue sense the ITU unit is not competitive and is Civil Service. He stated that he thinks the staff should make these decisions. At this point, it was moved to amend this motion and to have Todd Valentine and Bob Brehm meet with Peter Kosinski and Stan Zalen to determine the best way to staff and then execute the deal. The motion was still

on the floor and a remark was made by Commissioner Kellner about George Stanton going along with this issue because he's Neil's buddy. Commissioner Kelleher objected to this and he requested that this be put on the record that he takes exception to that remark. The Chairman denied making this remark. The role was called to adopt this amendment, that the staff go ahead with this plan with Gartner if all agree. The vote was 3 yea's; Commissioners Aquila, Donohue and Kellner and one nay from Commissioner Kelleher. It was approved. The original motion was amended and then the motion itself was voted on to adopt the contract. The vote passed 3-1 with Commissioner Kelleher the only nay. George Stanton reported that the RFP for the statewide database system is to be released on May 11, 2006. The Commissioners voted 4-0 to accept.

- **Old Business:** There was discussion about the new affidavit ballots envelopes for the primary and general elections and that the blank is to be filled in by the printer and not the voter. It was moved to approve these new envelopes 4-0. Also, the staff discussed re-writing the red-line version of the voting machine regulations so that everyone is on the same page. Once the new version is written and approved, they will then be posted and disseminated to the public. Commissioner Kellner thinks we should do a press release when the machine regulations are ready to be posted on the web. **The Commissioners voted 4-0 to do so.**

Peter Kosinski, Stan Zalen, Todd Valentine and Bob Brehm will do the statewide database regulations. Their agreement will suffice and they can be published. The Board needs to vote on them for publication purposes as soon as possible.

At this point a new employee was introduced. Deirdre Hammer will be filling Tim Mattice's spot as the Special Projects Coordinator. The Commissioners moved to hire Deirdre Hammer and the vote was 3-0. Commissioner Donohue had to leave the meeting early and was not present for this vote. Ms. Hammer will be coming on board mid to late May 2006.

- **New Business:** none

The Board adjourned at 3:30pm.