

Approved
May 22, 2006

Minutes of The New York State Board of Elections
Wednesday, May 3, 2006

The regular meeting of the State Board of Elections was called to order at 12:45 p.m. at the Wyndham Syracuse Hotel in Syracuse, New York. The meeting was chaired by Commissioner Kellner. Commissioners present were 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. Guests were Bo Lipari, Marion Sinek from Senator Clinton's office, Tim Eskeli from Division of Budget, Kathleen O'Keefe from the Assembly Majority and John Conklin from Senator Flanagan's office.

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Unit Updates:

- **Legal Unit:** - Todd Valentine discussed the response from the Department of Justice concerning the court case. Todd reported that they basically accepted our plan, but there were some issues. DOJ threatened to take federal funds away if we did not comply. They used stats on disabled voters which seemed to be inaccurate. They made a factual statement that is incorrect and insist that we are at fault for this delay. Commissioner Kellner stated that the target population of the disabled is approximately 10,000 to 20,000 people. This is a very narrow target and our plan should be addressed to that. Commissioner Kellner stated that we need an exact location of the machines in each county for Plan B. We also need a procedure for coordinating the Plan versus the counties and that we should have this plan ready for the meeting with the judge in Albany on the 16th of May, 2006. Todd reported on the *Lopez-Torres* appeal. The Commissioners unanimously agreed to request authorization from the Attorney General to have Ted Olsen serve as pro bono.
- **Election Operations:** Anna Svizzero reported that Plan B certification with three vendors that starts May 8th, 2006 at the Western Turnpike Golf Course facility. Commissioner Kellner stated that we need to draft language for the certification for these machines, as well as a set of instructions to the counties to provide them with a "road map" on how to place their orders for their machines and how to make that choice. Anna has agreed to get it together within a week to ten days. Plan A, OGS stated they would have a draft contract by May 15, 2006. Commissioner Kellner argued that we need signed contracts by 12/31/06 to be sure that the HAVA funds has been secured by that date. We need to schedule the process working back from that date. Anna Svizzero stated that Liberty Voting Systems claims to have a marking device but they were late in submitting it for Plan B. They were referred to OGS by Allison Carr. ES&S took exception to some of the contractual clauses.
- **NVRA/PIO:** Lee Daghlian reported that the conference in Syracuse was a big success and that the plans are on target for the state fair in August in Syracuse, NY. Lee also recommended that we go back to Syracuse next year for our annual conference and that

we need to sign a contract soon. A vote was taken and it was a 3-0 vote to return to Syracuse.

- **Campaign Finance:** Michael Johnson reported there were small problems with the handbook, but they should be worked out by the time the seminars begin on May 15, 2006. Some dates in the schedule had to be adjusted. Administrative complaint procedures were approved by a 3-0 vote.
- **ITU:** George Stanton reports that the Statewide Voter Database project is on schedule. The RFP for hiring a system integrator to implement NYSVoterII will be released on May 8 and will be advertised in the NYS contract reporter. Data collection for NYSVoterI duplicate checking is nearly complete and all data should be in by May 10. Then ITU staff will run programs to identify potential voters by matching name, date of birth and gender. He will also facilitate a meeting of the policy committees next week to finalize data layouts and duplicate resolution procedures for NYSVoterI. After the committees complete their work, George will be providing the counties with electronic files containing potential duplicate voters that have been identified in their county along with instructions on how these files should be used. This will be completed by July 19. George also mentioned that some counties who do not have voter registration vendors had approached him concerning funding for purchasing systems. He was not looking for any immediate action but was bringing it to the Board's attention for the local commissioners.
- **Administration:** Pat Tracey reported that she submitted a spreadsheet outlining proposed HAVA expenditures. A request to fill positions under HAVA was submitted and the titles of Secretary I, Associate Computer Programmer, Data communications Analyst and three Information Technology Specialist were approved by a 3-0 vote. Further discussion will be held on the Information Technology Assistants and the development of a multi purpose help desk within agency.

There was a nomination on the table by the League of Women Voters to put Bo Lipari on the (CEMAC)Citizen's Election Modernization Advisory Committee. It was so moved and approved 3-0.

There was a long discussion about the two different sets of regulations that were prepared by each side for the Board. Commissioner Aquila objected to working on all the details. She wants a finished document to be presented to the Board. She vetoed doing this at the Board during the Commissioners' meetings. After detailed discussion, it was decided that if there were further changes, that the changes be brought to the Board.

Regarding affidavit envelopes, it was brought up that the Board only approve what's in the box. Counties can add whatever they need outside the box. The statute only applies to what is in the box and we need to send a letter to the counties explaining this. It was approved by the Board 3-0.
- **Old Business** : none
- **New Business** : none

The Board adjourned at 1:15pm.