

Minutes of the New York State Board of Elections

May 3, 2012

The meeting of the Board of Canvassers of the New York State Board of Elections was convened at the offices of the New York State Board of Elections, 40 North Pearl Street, Albany, New York in the 5th Floor Conference Room and was called to order at 12:05 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were James Walsh, Evelyn Aquila and Gregory Peterson.

The Board of Canvassers considered a motion to approve the Certification of election results for the March 20, 2012 Special Election for the 93rd, 100th, 103rd and 145th Assembly District. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

The meeting of the Commissioners of the New York State Board of Elections held at the offices of the New York State Board of Elections, 40 North Pearl Street, Albany, New York in the 5th Floor Conference Room was called to order at 12:15 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were James Walsh, Evelyn Aquila and Gregory Peterson. Staff members present were: Robert Brehm, Todd Valentine, Kim Galvin, Paul Collins, Liz Hogan, William McCann, Anna Svizzero, Joe Burns, John Conklin and Tom Connolly. The guest list is attached.

Minutes of February 28, 2012 – Minutes were accepted (**Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No**).

Unit Updates:

Executive – Robert Brehm and Todd Valentine reported on several issues including:

- On April 25-27th the office moved to our new location. Everyone did a great job especially Tom Jarose. The annual savings will be over \$300,000.00.
- Getting used to our new surroundings and may need to make changes as we go along.
- A new financial system (SFS) is up and running which will be used for travel, purchasing, etc.

Legal – Kim Galvin and Paul Collins reported on activities related to the Legal Unit including:

- Busy with petition work and the 12 or 13 lawsuits filed that are associated with the petitions.
- Tom Connolly and Kim Galvin worked with the 11 resurveyed counties per Judge Sharpe's ruling. The 11 were resolved and that brought to light 22 other counties that sent out ballots late that we are now working on to resolve. Commissioner Kellner requested that the reasons be identified.
- Paul Collins reported that he learned that the AG's office is intervening in the case that resulted in the Federal Court drawing the Congressional lines.

Election Operations – Anna Svizzero reported that the Election Operations unit is working on several ongoing issues including:

- Bob Warren reported on the Bronx over-vote matter. He and John Ferri visited the Bronx Board on February 29th. It seems that the machine needed to be re- calibrated.
- Joe Burns reported that there are a couple of bills in the Legislative Packet that have to do with ballot redesign.

PIO/NVRA – John Conklin reported that everything is in the written report for the PIO/NVRA unit.

Campaign Finance – Elizabeth Hogan reported on the projects in Campaign Finance and Enforcement, including:

- The Finance Seminars have started – four of the seminars will be offering CLE credits for attorneys.
- Per statute, after we sue non-filers, the following year when they are reviewed, they are referred the following year to the DA’s office for prosecution.

ITU – Todd Valentine reported in the Unit Update

- The ITU is busy getting our servers ready to be moved to a new site at the State Campus which will take place the middle of the month.
- Todd congratulated the IT Dept. for getting our computers, printers, faxes, etc. up and running so quickly when we moved.

Old Business:

- The 2012 Proposed Legislation was sent out on April 3rd and will be available on our web site.

New Business: The Commissioners took action on several issues including:

- VOTE on the determinations regarding designations/objections to federal petitions and certificates. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- There was a discussion on the proposed Independent Expenditure Regulation. The public comments that were received all covered the same issue of express advocacy. It was decided that the attorneys will address the definitions and distinction between express advocacy and issue advocacy.
- VOTE on Regulation to Change the Address of the Board. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE on HAVA Complaint funding resolution. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to adopt all the staff reports on Campaign Finance Enforcement except for 12-04. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- The next board meeting will be Tuesday, June 5th at noon.

The meeting was adjourned 2:15 p.m.