

>> JIM WALSH: Welcome, ladies and gentlemen.

Thank you for your attendance.

We will open our May 14 session of the New York State Board of Elections and in doing so, I will start with interests deducts, if we may, please.

I go to my right?

>> DOUGLAS KELLNER: Douglas Kellner.

>>: Evelyn Aquila --

Eleanor Donohue.

>>: Allison.

>>: Pat trace.

>>: Deirdre ray.

>>: Anna.

>>: Sim berl.

>>: Bob Brehm.

>>: Liz Hogan.

>>: Stan Zalen.

>>: (Off microphone.)

>>: NYSEC I am LC.

>>: (Off microphone.)

>> JIM WALSH: Thank you, everyone.

First item of business, the minutes of the April 6 and April 19 bore meetings.

>> DOUGLAS KELLNER: I move that we adopt the meetings as drafted.

>>: Second.

>> JIM WALSH: All in favor.

(All members responded "aye".)

>> JIM WALSH: Opposed?

Okay.

Stanley?

>> STANLEY ZALEN: I don't know how much Allison would like to say.

I'll pass on my portion.

>> ALLISON CARR: I was leaving it to you.

**I was leaving the co-Executive Director's report to Stanley.**

If you don't have anything, I don't have anything to add.

>> **JIM WALSH: Legal.**

Allison?

>> ALLISON CARR: Sure.

At the last board meeting I reported that we had a call from cyber's attorney requesting a conference call to discuss non-litigation settlement strategies to resolve the issue of the nonpaid invoices with cyber.

We had that conference call.

Paul Collins and I did with cyber.

And the questions that were asked were: What is the status of cyber's contract with New York State?

The answer, of course, is that cyber's under a stop work order.

The contract has not been officially terminated.

We have a reason for doing that.

It's easier to -- We need to resolve the unpaid invoices before we cancel the contract.

Because if we cancel the contract, it's not easy to send payments to a company that is on a terminated contract.

So we explained that.

Then their second question, of course, is what do we, cyber, need to do to get these invoices paid? We explained to cyber's attorney,

who was surprised to hear the answer, that what we needed all along were detailed invoices.

The invoices we received from cyber have been simply, you know, April 1 through May 1, 465,000.

We need details by hours, who performed the work and what tasks they performed.

So yesterday we received four separate e-mails all containing invoices from cyber.

And at first glance they and to be more detailed than what we had previously received, but I forwarded them on to Anna and Kim so that their unit can start distributing them to the parties who need to review them,

both for the reasonableness, the apparent reasonableness of the work that was performed and to make sure that the appropriate level of detail is there.

At that time after they have been reviewed we can start working to make decisions as to how we are going to progress.

Of course, Paul and I will bring that recommendation to you, the board.

We are shooting for the next board meeting.

We think that it's important to get this resolved quickly.

>> EVELYN AQUILA: Will you have to respond to them about what we will do now or are we leaving that out?

>> ALLISON CARR: You know, I did respond, thank you for the invoices that you sent.

We are going to begin reviewing them.

We will contact you as soon as possible to discuss.

And questions may arise while we are reviewing these invoices.

We may need more information.

They are amenable to that.

>> EVELYN AQUILA: Okay.

>> ALLISON CARR: At least we are working to get it resolved, though.

>> EVELYN AQUILA: Thank you.

>> ALLISON CARR: Sure.

Does anyone have any questions on that issue before we move on?

>> DOUGLAS KELLNER: I have one or two questions, but I think I would rather raise them in executive session because they deal with litigation strategy.

>> ALLISON CARR: Okay.

Paul Collins and I met with Ira medical ton this week to discuss the escrow arrangement for the software for the voting machines.

Ira Mel ton came and explained the services that they offer and the different price structures that they have.

And I forwarded that information to Kim and Anna in's leptions ops.

I believe you were copied on that, Commissioner Kellner.

For the other Commissioners, I have that in writing and I can give it to you so you can take a look at it.

We need to finalize an agreement pretty soon.

>> DOUGLAS KELLNER: Allison, on that, is one of the considerations that you're looking at whether it would make more sense to do it in-house?

Either with our own IT department or with some other arrangement than necessarily with iron mountain?  
Just as a cost saving?

Al always we certainly, I wasn't prepared to discuss that today, but we certainly can --

>> DOUGLAS KELLNER: I just throw that out.

>> ALLISON CARR: I understand the cost savings.

There is cost attributed to escrowing of software.

What we discussed with iron mountain is basically if it was a separate agreement for each vendor, it would be a \$2,000 start-up fee or setup fee for the agreement along with \$1,000 a year annual fee for the

maintaining the escrow of the software and an additional \$700 a year which would be to add the Board of Elections as a beneficiary,

since the escrow essentially would be between the vendors, software, and iron mountain with us added as the beneficiary.

So it's \$1,700 a year ongoing costs no matter --

As I explained, there are some ways that you can save money in the setup agreement in the initial fee, but it will definitely be an ongoing \$1,700 a year in escrow.

Would it be good to save money? Of course.

We will explore those options.

>> EVELYN AQUILA: Did they say that the escrow would be right here in this building or would it be in a separate building? Because we tacked about that at one time.

>> ALLISON CARR: We did, we did.

If we did that, we wouldn't need iron mountain.

If we escrow it with iron mountain, it would be in Georgia, located in Georgia where they have a special vault facility that handles media storage.

They would also back it up on an FTP site so if we ever needed it it could be delivered either in hard copy or electronically.

>>: Do we have the ability to match iron mountain's facility?

>> ALLISON CARR: No.

>> JIM WALSH: What is their --

>>: Are these not costs to be borne by the vendor?  
These are the knots costs for the state to absorb.

>> ALLISON CARR: We haven't decide that had yetd.

That's still to be determined, whether the vendor will be paying for this or the State will be paying for that.

>> ANNA SVIZZERO: To date the vendors paid.

>> DOUGLAS KELLNER: I also raise the statutory issue, that the actual text of seven-208 says that --

>> ALLISON CARR: I know the text.

>> DOUGLAS KELLNER: I know you do because you looked at it.

The vendor is supposed to place the source code into escrow with us.

So I also have questions as to whether we should be listed as the escrower rather than the beneficiary on the contracts were iron mountain.

These are minor technical issues, but --

>> ALLISON CARR: Yeah, they are not necessarily minor.

They are issues that all need to be worked out.

There's also the argument that was made before by some people here that when it says in the language of 7-208 that the documents need to,

that the software source code needs to be escrowed with the Board of Elections, some people here interpreted that to mean that it actually gets dropped off here at our offices and we hold on to it.

There is no third-party.

There is no iron mountain.

But I think that's dangerous.

It's a lot of liability.

>> EVELYN AQUILA: There's a danger to thinking about it.

>> DOUGLAS KELLNER: What is the liability?

>> ALLISON CARR: Holding on to it and maintaining the chain of custody and control and making sure that --

>> EVELYN AQUILA: If you lost this, do you know what it would cost?

>> JIM WALSH: There is security.

>> ALLISON CARR: When you have software, as explained to us by iron mountain, the reason they're putting it in Georgia at that vault, it's specially temperatured and humidity control as well.

If you put the source code on CDs, they only have life spans of six years under perfect conditions.

>> EVELYN AQUILA: Some companies feel like this information is the real source of what they're doing.

That's why they are source codes.

This is what we do.

This says what we are doing  
and it better be protected.

>> ALLISON CARR: Yeah, it's their work, their livelihood.

>> EVELYN AQUILA: It's a big liability if we took it out and it all melted.

>> ALLISON CARR: These are the issues.

I wanted to report on  
our meeting with iron mountain.

Any questions on that or should  
I move on to the next issue?

>> DOUGLAS KELLNER: That's okay.

>> ALLISON CARR: Meetings with Dodge on the HAVA case.

We are still doing our week I status calls and the updates are filed online.

The county board of Commissioners asked also that they receive copies of reports that the Board of Elections, Paul and I prepared and sent to the Department of Justice and we started doing that.

Ever since the meeting in Syracuse they have been

receiving those status updates.

I am pleased to report the Department of Justice is happy with the way things are going right now.

They are pleased with the delivery schedule.

They are pleased with the testing.

They have concerns and want to hear more about what happened with Premiere's meeting with SysTest yesterday, their conference call to discuss the future of certification testing with New York State.

I'll let Anna report on that since I know the conference call took place and both Paul and I were at a C.L.E. yesterday.

But they are very happy with our progress.

There was an error in the law book in the campaign finance section under 6214 that has been resolved now.

We have fixed the Web site to reflect the change and pasters for the law books are being sent out to the county boards and the law books that we have here are being fixed at this time.

And the only other issue that I had at this time was the ECA, the election Commissioners association has requested that the State board give some presentations at their summer conference in June in chair talk with a.

I talked with Paul yesterday.

What we are prepared to do is what they would have liked to have heard about at Syracuse, more about the petition process.

So we are going to prepare a handout.

Now legal will not only have the election law update each year, but we are going to do a separate and distinct petition process update each year.

That will start this year and I've started working on it now.



On all the other cases that I have, and I can't speak for Paul and his cases, I have minimal activity that doesn't require any action on the part of the Board of Elections at this time.

That's all for now.

>> JIM WALSH: Thank you.

Any questions?

### **The elections operations.**

Anna?

>> ANNA SVIZZERO: Thank you, Commissioners.

We continue to have meetings with sis tech and nice TEC as we move through the process.

The requirements matrix have been accepted.

They are  
posted to the Web site.

So both of those firms will be moving  
towards creating independent, excuse me, individual test plans and those corresponding  
test cases for each particular vendor that remains in the certification process.

SysTest has begun or continues with the prim TDP reviews and we are hoping that we  
have a report from them this week at our regular status meeting

as to the viability of previous test results and the ability to leverage those into our own  
certification here in New York.

We have halted Premiere's testing at SysTest at their request.

And we are hoping to hear from Premiere tomorrow as to whether they will be moving  
forward or not.

We met with Premiere here at  
the State board and we also participated in a conference call because they had asked to  
meet with SysTest in Colorado.

Our nice tech team was on the phone with us as well as listening to all that conversation.

I know it's listed under new business.

We can report there or here, whichever you prefer.

The, we did have a vendor meeting also with Sequoia.

They have asked to have those meetings weekly and we're having another one tomorrow afternoon with them.

They provided a revised delivery schedule and -- (Pause).

>>: We notified the vendors of the requirement to fill their escrow accounts to a balance of \$750,000.

Only one vendor has done that to date.

That's ES&S.

The deadline is doing that tomorrow, close of business tomorrow.

Acceptance testing is ongoing at our central site.

We had a number of boards visit that site to participate in or monitor the acceptance testing of their own devices.

We've also had the gentleman from budget have been down there, Bulla par ry was there on behalf of the advisory committee.

Everyone is pleased with what is going on there.

An awful lot of work has to happen there.

It is moving along to the extent that the vendors can maintain the delivery schedules.

That should remain consistent.

To date 252 Dominion ballot marking devices have been delivered, acceptance tested and moved to county boardsment we are one unit short in that department.

And ESS provided the demonstrate tore models for their two customers to use for outreach and training purposes within the board.

So 50 units were acceptance tested and delivered to New York.

Five units were tested and delivered to Erie County.

The conference, I think from election ops perspective we felt was very productive.

We took the opportunity to meet with boards that had already received their 10 percent at that point in time so that Bob Warren

and Tom wood from NYS tech could review our procedure with them from an actual use perspective and tweak that.

We will be revising and sending that out to the county boards.

It is also accompanied by checklists.

The boards felt that those were very effective.

We will tweak that and deliver those to you and the counties as well.

We also took the opportunity to meet with those boards who had been audited by the controller's office with regard to the absentee process.

As you know we were hosting them last year for quite a long time.

The number, I believe five boards were audited.

So we met with the boards who were at the conference to get a better handle on what that audit meant to them at the county level,

if there was any different focus that was explained to them that might have been explained to us.

We, I think based on that conversation have a better handle on how we can craft a new agenda for revising and conducting new board visits.

It's something we do want to get back to.

We realize we are very vulnerable in not having done them.

The only reason we haven't done them, we are all consumed with certification and the voting machine issue and other HAVA related issues.

But getting that opportunity to speak with them helps us craft our answer to the controller's office.

They are interested in scheduling an exit meeting.

We do have to draft a response to the report that they prepared on us as part of that audit.

We are preparing form letters related to the petition filing season.

We are waiting for party calls to come in so we can work in our certifications to the county boards.

We continue our discussions on asset management.

We are looking for a permanent solution for county boards that, for ourselves actually that will help us use fewer people and more tools in order to perform the audit and monitoring

responsibilities we have by way of the maintenance logs, preelection tests, and other support issues that we have to monitor and that process looks like we won't be able to select a single product.

We are going to have to go to an RFP and go through a whole procurement process.

While we contemplate what that means and NYS tech is working on preliminarily drafting an RFP for us to consider that has very detailed business requirements in it,

we are looking at an interim solution, maybe some as simple as a spread sheet.

Something the boards can use right now to own, track, monitor the devices that have been delivered to date.

And then that information can migrate to a final product when we finally have one.

The decision as to who will pay for this product needs to be resolved.

My own vote is it should be us.

That's not my call.

I don't vote at this board.

>>: Anna, have you looked at the systems that some of the larger counties use?

>>: We have.

We looked at New York City and Suffolk county and we are

looking at Monroe county right now and looking at commercially available products as well.

We are reviewing the readiness surveys that we sent out to county boards of elections regarding their ability to own, deploy, monitor, track and otherwise be responsible for the devices that have been delivered to them.

Only 34 surveys have been returned to date.

Only 17 of those indicate that boards have at least acquired storage space.

Some of them have hired new staff to deal with these new responsibilities.

We are reviewing those with an eye towards narrowing that group a little bit further so that you can consider selecting some of those to be a pilot project this fall.

We did send a notice out to the boards that had not sent completed surveys back to us.

We are hoping that we will get those.

But I think it's pretty fair to say if they didn't complete a survey, it's because they have nothing to tell us.

I would put them in the nonready column.

>>: May I say this?

At the conference that seemed to be a great thing that many of

the county Commissioners had on their mind where they were going to find the proper kind of storage. In the counties there was nothing they needed that they could rent or make an agreement with.

They said it's almost, they were saying could they join with another county, you know.

It seemed to be a big thing that was on their minds and I just want to say to the board it's not that they are not thinking about it.

They are, but the concern level and the nervous level that's there is, you know, very prominent.

I don't know what we can do help them because that is theirs to do and find.

I said can you tell us what to do?  
I said Anna is doing that.

I think you are well aware of what you need.

It's far beyond ha they ever thought.

>>: That's why the asset management is something that is near and dear to my heart.

They haven't absorbed everything --  
They don't know what they don't know yet.

We keep trying to educate them in that process.

Every time we do, it's overwhelming for them.

Especially the smaller boards.

>>: It seemed to me, Anna that's correct they knew what they needed.

How to get that kind of a storage space was seen to be much more the problem and to get their county boards legislation, to get them money for it.

>>: I think one of the concerns that was expressed by the different Commissioners was that the money is just not there.

>>: Right, right, absolutely.

>>: There's so much money involved and they are having, no matter what they do, they have to go back to the legislator.

We saw that when we were in Syracuse.

Onandaga county --  
Onondaga county had to leave us and go back to the counties.

>>: They weren't even sure they were going to be successful.

Most of them are talking about that, they don't know where the money is coming from and secondly, that they don't know where they are going to find the facility that meets all the needs of electronic devices.

It is a concern, a big concern.

>> ALLISON KERR: I should mention that Anna's survey is good because it came at the request of the ECA.

The members came and sat with us here one day and what we explained to them is, if you are having problems getting the funding from your legislatures, this is funding that you need to implement HAVA properly

and the Department of Justice, the Court especially, Judge Sharpe has been adamant that if anything impedes a county's ability to properly implement HAVA, the Court is there for them and will intervene.

What we intend to do is, if we see an overwhelming number of counties or if we just see a few counties who are having serious problems with getting this funding for the storage facilities,

which they absolutely need, we will take that survey information to the Department of Justice, to the Court and ask for assistance.

So it's really an excellent project.

>>: I didn't realize that, Allison.

I wish I had when I was speaking with some of them.

I realized they could come to the board and maybe we could put our heads together and work something out.

I'm keeping my finger crossed to see if we could.

>>: We encouraged with the surveys, some of them sent it with the cover letter to the county manager, et cetera, saying here, fill it out, it has to be to the Court by Friday.

Since you have been saying no all along, they're at a loss to complete the survey and asked the county to do it.

The survey itself soys our goals and purposes and gives us a handle on where we might write our resources to bear, whatever those are and the county has another hammer to use with the legislature

saying the Court is going to be constantly aware of our status, they need to be, and you have to answer to the Court at some point because we asked you and your answer to us has been no.

So it has been a tool.

Anything that we do like that I think helps them.

>>: The status of everybody right now, of counties, of cities, of states is also playing a piece out here.

>>: Some boards have included --

>>: If they don't have the money, they are not as concerned.

But money is a concern in many of these counties.

>>: Some of the counties improved their lot in life because the space wasn't appropriate so they found new space and the board and the facility now live in facilities with better features, all on one floor.

In a few places it worked to their benefit, but there are a serious number of counties that have major issues and we need to see where this ends up.

>>: I was just saying that they are worried about it.

They are aware of it and there is a big concern.

>>: Commissioner Kelleher?

>>: Allison, is this something you would want to add to the weekly report of DOJ?

>> ALLISON KERR: Absolutely, we intend to.

I had a discussion with Anna last week and asked for copies of the surveys that had come in to date.

My understanding is right now you are missing about a third of the counties?

And you sent out another e-mail asking for responses by Tuesday, the 20th, I believe.

>>: Yes.

>> ALLISON KERR: Tuesday, the 20th.

We are hoping that we have them all in.

Paul and I should sit and compile the responses and see who is having problems, follow up with those counties and make a determination as to whether or not we should seek court intervention.

At the same time in answer to your question, DOJ is aware of these surveys and does want a report, but not until all the



surveys come in and we have compiled them.

>>: Great.

>>: Commissioner Kellner made a comment on the possibility of shared storage facilities by different counties.

Is that possible or not?

>>: I don't know.

>>: I don't know why it couldn't be.

Each area could be gated, for example, so that if you shared the rent of the facility, your devices would still only be available to you.

They wouldn't be in a big common area where my technician would have access to your voting machines.

But I think we would be amenable to something like that.

Especially upstate, I think it would serve a great purpose if they can find that kind of facility.

>>: I said that to some of them.

You have to make sure your machines are your machines and their machines are their machines and some of these places are hard to get in and out.

You have to make sure that there are no mistakes made if you share facilities.

I said I don't know if you are allowed legally to do that.

You have to speak to Anna.

>>: There is a chain of custody, but I think this works.

>>: Anna, I recall when this issue came up in New York City, we found that there may be a statutory provision that they have to keep the machines within the county.

>>: Oh, okay.

Really?

I didn't come across that.

>>: We actually drafted a statute that was introduced that

would require them to be kept within the borrow in New York City  
when New York City was threatening to close the Manhattan voting machines facility.

And.

(Pause).

>>: It's a lot different talking about New York City than  
talking about broom county.

Not that they said anything to me about this, but I'm saying,  
you know -- >>: Sounds like it's in good hands.

Our lawyers and Anna.

(Overlapping speakers).

>>: What more could you ask for?

>>: Poor Anna.

>>: I have two more items and I will feel get out of your way  
we have been struggling with implementing a voting system help desk that would also  
include providing

programming services to the county boards, especially smaller ones.

It's hard to come up with a game plan for doing that because we are not able to fill the  
three team positions that we would need to do that.

So until we get a clear path to be able to put those staff  
people into our mix, I don't know how we would be able to do this work.

So I just needed for you to be aware of that.

>>: Anna, do you have an idea, have you tried to sit down and have an idea about how  
many telephone calls you think you would receive a week?  
I think you would see tons of them.

I don't know.

>>: A week?

>>: A week.

>>: We get a lot of calls now, a lot of support calls for the  
SNT systems out there that have been out there since 1990.

The counties look to us for a lot of that support.

If they call us, it's the cost of along distance phone call F they call their vendor, they're clocking by the quarter hour for that service call.

I would like to be able to offer counties --  
I'm speaking for myself.

I would like to be able to offer counties that same level of support globally that we have been able to offer in the absentee world and in the three counties that had electronic machines prior to HAVA.

So that's our goal and I think it's our responsibility.

I think we take it that seriously.

But you have to have the resources in order to make that happen.

I see that support as being significant.

The roles that these persons would play isn't just the help deck.

It would be monitoring all the logs and preelection reports for ultimately 20,000 pieces of voting equipment.

Those reports would come in six times a year.

The idea of doing it in an automated way and having people to monitor that still requires people to do it.

So we are, we don't have a plan to present to you, but we continue to discuss it and look for a way to resolve this issue.

We did collect for the county boards and collected it and will distribute if you're interested, the counties want a job description for the people to work in the facilities.

We used a document that is for recruiting the Kelly services people who assist us.

We modified it to include county specific task an we will be shipping those off.

The counties wanted a recommended salary which is hard to do.

It needs to be whatever the prevailing rate is for job specs that are similar in that area.

We'll be sending that today.

Other than that, I think ops is done.

>>: One, there's one other thing you mention to do me this morning that I think people would be pleased to hear about which was a you are doing with alerting the county boards that arose during acceptance testing.

>>: Yes, we have.

We have identified those issues that came up.

Bob and his team have crafted how the issue is manifested, what it means to the process, how it can be resolved by the State board and/or the county board.

So that's a matrix that we are going to take another look at to make sure we have all the issues in it and send it out to the county boards.

If the issues came up in our acceptance testing they may manifest themselves some place down the road while the device is in the county board's custody.

They should know how to respond to those various issues.

We are looking at a way to quantitatively review for our own interest and obviously for the board's as well, how many devices have come in.

How many initially had problems, how those problems were resolved by our team.

Ultimately no device leaves the acceptance testing site unless it has been resolved, whether the device had to go back to the vendor and be repaired and come back in

or if it's a machine that gets pulled aside and has minor work done on it by the vendor's technician.

Quantitatively we can get that together.

We need that for our own benefit and we are happy to share it with you.

I don't know that there's value for the county boards, but the initial document they would find helpful.

We are willing to get that out.

>>: Are the vendors putting together any kind of a manual -- I know they are giving us a manual, how the machine works,

but a manual that would indicate these are the hot ticket items, you know, button items that people have problems with and if you look through this,

maybe you have ten pages of quick ways to deal with it.

>>: They do have trouble shooting guides in the owner manuals and documentation.

I don't know that it's always written in language that a county could easily follow.

I think what our team is putting together is much more practical and much more common language and everything we've sent always goes with the cell phone numbers for Bob -- And Bob is here.

Cell phone numbers for Bob and Bob ferry.

When the county board calls them, they can call them first.

If Bob can't address it, they can bump it up to us and we address it differently.

We speak to the counties in a different way than a vendor does.

Which is another reason why they call us and not them.

>>: Thank you.

I think we will be hearing from you again.

Thank you for your preliminary report.

Now we have a historic report that will be coming here at this moment in history.

**Our public information officer, Lee Daghlian lien.**

>>: Thank you, Commissioner.

Couple things.

Number one, of course, our conference two weeks ago in Syracuse.

I think it demonstrated to all of us that we can find a venue that serves us well with the lay out for 300 people on one day.

The second day.

And it's centrally located and although we haven't received the final bill from the hotel, every appearance is that it will come in approximately at what we expected from previous conferences.

(Buffering).

Which did discuss, after the conference the staff discussed the location for future conferences.

Also ways to cut costs because of the budget situation in New York.

We decided that the conference in 2009 should be held at the same location.

We discussed cutting costs, not sending people up on Sunday.

We are familiar with the vendor now and the setup is much faster than at other places.

There are various other ways to save costs.

To locate a venue a year in advance for that number of people in a proper location usually takes more than one year.

Most hotels and convention centers want a couple of years in advance to book.

And the suggestion was made that we now search for a different venue in 2010 and do that on a proper basis, whether that be in Albany or closer to Albany than Syracuse is.

And that we in fact go back to the liver pool Holiday Inn in Syracuse for 2009.

The hotel will be refurbished starting in August.

They are going to do some enlargements and changes in the convention area where we met and all the rooms will be refurbished and after that they will build a separate tower for that hotel.

They assured us if we do come back, all that fix-up will be finished by the time we get there.

I'm making that recommendation that we go back.

We are penciled in for the last three days in April again of 2009, minus one day.

So I would ask that you approve of that now because we need to let them know if we are coming back or not.

We seek different venues for 2010 and go through the proper procedure of doing that and leaving us enough time.

We are continuing with the planning and implementation for the State fair in Syracuse this August.

We have been, I think this will be maybe our sixth or seventh year we have gone up there.

Again staff discussed this in a cost saving light.

It's not a statutory requirement take we be at the State fair.

So we could not go at all and save that entire amount of money for 2009.

We are committed for 2008 because we secured space already and have paid part of it, I think, Pat.

And we could reduce, if we go back, reduce the number of or the size of the space which is now 30 feet long and 10 feet in depth.

We could go down to one, which would be ten by ten or 20 by ten.

That's one of the largest costs is the space.

We also can save costs by reducing the number of shirts that identify volunteers from here as working for the State Board of Elections.

And other cost savings events such as that.

Again, most of that cost saving for 2009 we can do some of that for 2008.

Also we continue to do in the unit our various projects.

The HAVA funds program again is ongoing.

We are constantly in touch with county boards that haven't completed their poll worker access programs or voter outreach programs.

Slowly that is improving.

We are on that every day.

I have faith in these counties that they will get at least if not all most of the access problems figured out, vouchers if I can't before the September primary this year.

At least that's our hope.

Also the way -- I just wanted to mention the Web site and maybe you will also, George.

The Web site that Warwick put up after a long period of time.

It's up and running.

I heard nothing but good about it.

The search feature was just added to the site.

You'll see it on the home page.

If you plug in a word, if you're looking up petition, for example, you plug that word in.

Everything that has to do with petitions that's on that Web site will be highlighted and you can pick and choose where to go.

It seems to be working fine, George.

Most of the things seem to be working well.

Most of the credit goes to George and Bob Warwick.

Anything else, Bob?

>>: One thing we're working with the admin office and elections ops office is participating in governor Patterson's



conference fl 830 to 3030 tomorrow in the plaza.

We are marking the ballot marking devices as assistive technologies and Anna has arranged for and Ken for the staff to demonstrate how they are used and also Pat,

how to get the machines from our building to their building and back.

That will place tomorrow.

Another program that we are participating with on May 23, we've been asked to host a visitor through the U.S.

Department of internal leadership and also the League of Women Voters.

It's a program that they are running this session is support for the blind.

There's a visually impaired individual coming from Pakistan.

So they are setting up different programs in the capital region and throughout their visit.

They asked to come and look at the ballot marking devices and we will do a demonstration on the 23rd as our participation in that program.

The last thing we are looking, just from an overview is the Web based poll worker training program.

The work we are doing is ongoing.

We gave a bit of an update at the conference in Syracuse, but we are planning on doing the initial roll-out of the poll worker module up at the election Commissioners conference in June.

Then that will be followed up with regional training sessions throughout the State.

Those regional training sessions will be participated by us, our consultant SOE and also representatives of the commission on quality of care.

So we will put together how to use the technology for training and also a portion of training in the sensitivity awareness issues for the specific ballot marking devices that will be used in those counties.

Those are the items we're working on.

>>: Thanks, Bob.

One other thing.

I mentioned we needed a vote from the Commissioners to go back to Syracuse.

If you would like to entertain that now.

>>: I was going to ask you that.

>>: Could I just ask you something?  
I'm not against it by any means.

Who knows where I'll be then.

I'm just saying there were some questions brought up by some of the people there.

One was, you know, Albany would be better for us.

It's easier to get there.

Second one was, what happened with Saratoga springs, I guess.

Couldn't we go back to Saratoga springs?  
That was just asked by a few people I was talking with.

I don't know if it's even possible.

Like you said, most of these hotels are booked way ahead of time.

I'm also thinking about cost.

They are saying the cost factor, it's cheaper for them to get to Albany.

>>: Depends on when they're coming from.

Certainly the western part, that's why we went to the central.

>>: That's why I'm asking, I'm asking very --  
As I say, I just want to say those two questions were mentioned.

Is there someplace cheaper? With our budget, will we even be able to have a conference? You know, that's another question.

I don't know where the budget is or what we're doing with that budget.

Can we make this commitment and then maybe not have the money? I think we must go, I think we have to go to the State fair.

I think that's something we should do.

I think our conference is very, very important.

>>: Let me try to answer that.

>>: I'm worried about the budget.

>>: When we discussed the budget cuts we identified a couple of areas where we can say substantial money.

One of them is what we give to the Commissioners when they get there in the form of gifts and we gave away, we usually give away quite a bit.

Just the cost of shipping that to Syracuse is a large amount.

We can save substantial amounts there.

For 2009.

We, president point about coming to Albany and saving some Commissioners travel money is a sound one.

I think that's fine.

But I don't think it's reasonable to do it for 2009.

I think it's a short time.

We may not find a facility here that fits us that we can get the dates we want, take date range.

And I think you'll find that in, maybe the facilities like we stayed in this time in the Albany area might be more expensive.

We have to explore that.

>>: I thought that.

I thought about that myself.

>>: I'm not recommending that we do that for 2010 and save whatever we can for 2009 and go back to Syracuse this time.

>>: I want to say thank you for your service to this board over these many years.

It's always a pleasure to work with you and I'm pleased that we had that all the time --

>>: I'm going to follow through on this.

This is a historic moment in the life of Lee Daghlion and the life of this organization.

Lee is retiring.

And the first time I met Lee was my last time here, was ten years ago when he was hired.

Lee, I know this is a tough business and survival is one of the great accomplishments of anybody in the world of politics.

You survived and you survived very well.

People on both sides of the aisle speak very highly of you.

You are a great man and have many more successful years ahead of you.

Somebody who get you next is going to benefit.

I thank you for all you've done for this board and I wish you many years of health and happiness.

(Applause.)

>>: Could I just add, it's more of a personal comment.

I go back a long time with Lee.

I know neither one of us look that old, but we went back to the crowd that was run by Clarence Rappier.

We learned a lot, a lot about government.

We learned a lot about people.

I think basically what I took away from that was that it doesn't hurt any of us to be kind to those people that come seeking either adviser in many cases maybe just a little humorous take on what is going on in life.

But I felt that we were blessed to have Lee come here and I know personally I once got talked into running for the Assembly many years ago and Lee was a blessing, a God send and my kids forever ask for you.

And I'm sure we will do our best to keep in touch.

Good luck.

God speed.

>>: Thank you very much.

>>: I would like to join in those sentiments.

Lee, I've only been here two years now, but I have also seen that you have accomplished a great deal for our agency and for the people of New York.

In particular, the way you took on responsibility for the poll site access issues and setting up interaction with the advocacy groups, I think is particularly commendable.

And certainly one of the accomplishments that I think you deserve credit for.

>>: Thank you all very much.

>>: You're welcome.

>>: If I may, I'm going to continue the good news portion of this with some of the references you made.

I was at the conference.

I was very proud of the staff here.

The work that was done at that conference, the conversations going back and forth and the questions and aning.

You know as I know, you're dealing with the best in the field

out there and you're getting some pretty difficult questions coming your way and you handled them magnificently.

You heard from the participants how much they appreciated your diligence, professionalism and you made yourselves proud in their eyes and ours.

>>: I have to tell you, perception is a big part of that.

There's a great staff at this agency which has gotten larger lately, but you all do important work.

When I have to explain to the press or to interested parties out there what we're doing, it's actually pretty easy now because you all do super work

and I can tell them we're on track with the Courts and federal government and we are going to get this done.

Difficult to do that three or four years ago.

Much easier now.

And all of you, if I look good at any particular time, it's because of all of you.

I really appreciate it.

Thank you.

>>: Campaign finance, Elizabeth Hogan.

>>: We have to call a vote.

>>: Sorry, we have to have our convention site.

>>: Stanley, have you reviewed these issues?

>>: We did.

What Lee says is true.

We do want to go back to Albany, but we can't do it for next year.

We just don't have the time to arrange that.

And so on balance, the only reasonable thing we can do now is to go to Syracuse for next year and the Albany area, the capital district area thereafter.

>>: Would anyone like to make a motion?

>>: I.

>>: All in favor?

(All members responded "aye.")

>>: Opposed?

Carried.

Thank you.

### **Campaign finance.**

Elizabeth Hogan.

>>: I had questions for Lee on some other things if that's okay.

Lee, can you tell us what the status is of the annual report, the 2007 annual report?

>>: Yes, I can.

It's almost done.

We are waiting for one or two more units, including the public information office which will be done today  
(Chuckles.)

>>: Reg is --

Greg Fioso is putting that together electronically.

I think we had one more unit report that should be out shortly.

I'm saying in the next two weeks.

>>: Then can you give us a breakdown of just what is the budget for the State fair operation?

>>: I can give you the figures roughly.

I don't have those reports with me that you broke out.

>>: Last year was 13,000.

>>: Thirteen total?

About 6,000 of that is the rental, booth rental.

And then the other two basic units of spending are the travel costs for this staff.

We get a block of rooms at a hotel which we already secured for that two-week period and our folks that go up there that work for two days, stay overnight at least one or two nights.

We get a rate that is close to the State rate for that.

It's very tough to do that during the State fair in Syracuse because every room is taken up.

We arranged that for this coming year.

Also again a large amount of that is the shirt procurement for this staff and we get T-shirts for the volunteers from the counties which are, which number more than we do for staff here.

So we identify we could cut that easily in half with the shirt procurement and travel.

If we could get volunteers from the senior staff here that, to go there for multiple days instead of just one day and the travel, make one round trip travel and a couple of nights, it's probably something that would save money.

I think the largest saving right now would be in the buying of shirts and if we don't do any additional signage to any great degree.

We have all of that paraphernalia that we have used for the last several years.

We can reuse that.

>>: How about staff time? How much staff time do we put into it? You have two volunteers there.

You call them volunteers, but they are on the payroll, right?

>>: Well, yes.

We use county Commissioners and deputies most of the time.

Our people, if we have six or seven people that go up for a day, that's about it.



>>: So, all right.

That's actually the greatest cost is the actual time of the state personnel.

Unless you assume that they wouldn't be doing anything else otherwise.

Which I don't think is a fair assumption.

People are pretty backed up here on projects.

>>: You have the Blackberry, of course.

I never figured that into the cost of the fair, to be honest with you, staff time.

It's just their expenses.

But if you figure it that way, yes.

It's expensive.

The, if we increase the amount or increase the number of volunteers from the county boards and Onondaga county which supplies the most people, we can do with fewer of us.

But it brings up another problem.

It depends on what we have up there to display.

If we have voting machines up there we probably need our folks or some of our folk to be there.

Or county people that have those machines up there to be sure that someone is there that knows how to use them.

So aside from cutting back the amount of space and the amount of our personnel, I don't know how else we can save without going there at all.

>>: I think that's the real question because, you know, what I've observed in just the last two summers is that while the State fair is going on,

most of the State board operations seem to slow down significantly because personnel are distracted with the State fair.

And the real question comes to what is the real benefit to the agency or to the public by our participation in that?

Especially if it means staff are not doing their regular jobs here because they are at the State fair.

>>: It's hard for me to gauge when the staff time which is minimal, really, has that effect on what is getting done here or not.

I can't vouch for that.

>>: They just use it as an excuse when I call?

>>: There is vacation time --

>>: Isn't that what we're all about? Aren't we supposed to be educating the public in the operation

of elections and involvement in the electoral process?

I think we belong there.

>>: Let me put my two cents in here from the business I come from, the supervisor or department head makes a decision as to whether or not they can spare someone to do something, go somewhere to perform a certain function.

I think I would like to leave it to Stanley and Todd --  
From my standpoint.

If you feel you can spare people or multiple people from their jobs, they go.

If they can't, that's up to you.

You're the leaders of the department.

>>: One of the interesting quirks about this, it's the leaders, the unit heads and the deputies primarily that go, if anybody goes, because the civil service people, the union people can't go.

They can't go because I guess we have to pay time and a half.

>>: We pay over time, yes.

>>: For every moment they are away out there, even if they are sleeping.

So it's -- Is that right?

>>: Not when they are sleeping.

When they are working for the State which is a long day, until

10:00 o'clock at night.

>>: As a result it's only the unit heads that go.

It's only unit deputies that go.

This is really a decision that you have to make.

We've done it both ways.

We started our history here not going.

Then we went for a number of years.

Then we stopped for a number of years.

Then we started again.

I think Commissioners Donohue and Kellner have pretty well given both sides of this discussion.

Ultimately you would have to pack that decision if you want to continue with it.

There are pluses and minuses to both sides.

You've pretty much enunciated it.

>>: I think with the new machines particularly, this is an opportunity where we don't see this as much down state because we don't have state fairs in New York City.

But I think a lot of people go to the State fairs from all over the state and they really, it gives them a chance in a different atmosphere to take a look at these voting machines.

I just think this is the time --  
I want to save money on the budget, don't get me wrok.

But at this time it would be wrong time to stop it.

We don't want people to forget about voting.

They might, they might.

We bring something there to that.

You are meeting in voting, somebody who works as an official in voting in the State.

They are looking at these brand new machines that to some people are very scary.

They say oh, I don't know, if I want to vote anymore.

Look at this machine.

I heard a person say that in kings county.

I'm saying it's an opportunity that maybe two years from now we wouldn't need as much as we need now.

As for the budget, I haven't even seen outlines yet of where we are going to save money yet on the budget.

I'm sure that you're all working on it.

But I'm concerned about the budget, too, but this may not be the right time to stop our participation at the State fair really because we're moving to a new phase of voting in the state of New York.

>>: The other thing, unless you have been there --

>>: And you have.

>>: -- And actually been part of it, you have to understand that no matter how hard you work in this agency, to bring these devices to the public,

just to be there to watch a mother and a father bring their child in front of you to register to vote and see the excitement that those parents have, believe me there's a lot of other places we can save money.

That's from my point of view.

>>: I think the Commissioners have given pretty good two or three sides to this, depending on how you want to look at this.

I don't think we are going to be voting on it at this moment.

If you would please keep it under consideration, Commissioner Kellner raised a good point and so has everyone else.

I'm you are trying to save money and our governor and voters and everyone else is happy with that.

I thank everyone for their participation and Ms.

Hogan you will be introduced for the third time --  
Time's up.

(Laughter.)

>>: First thing I would like to have you look at is the filer handbook.

This is a project I discussed at several board meetings, probably more than several.

This was a major revision.

I provided you with copies so you can take a look at it.

We are very happy with the way it turned out.

We got many compliments on the book.

We are confident that it now will be more usable for people and really you foster their ability to file correctly which is the whole goal of campaign finance.

Inserted in that is the filer update packet which we also provided to filers.

It includes the calendar.

There are some relevant forms and there are relevant federal pages that have to do with IRS issues and filing and BCRA and filing.

So I provided them for you to look at.

If you have any criticisms or suggestions relative to it, I'll be happy to hear them and incorporate any changes you wish in the next go-around which we are currently calendaring to start.

We would like to have the handbook for 2009 actually out in January of 2009.

That's our goal is to get that moving, probably in the early fall.

Any suggestions would be welcome.

The process server RFP that we had out has been moved along to the bid stage.

We have identified, OGS has identified the low bidder and we have had conversations with our procurement liaison at OGS regarding this person.

It's not someone we've dealt with before and so we will be having some conversations with OGS about how to interact with this low bidder.

The contract approval process is underway and we hope to have this new RFP service under contract as opposed to --  
In the August lawsuit.

The process server have started yesterday.

The reason bill is not here today, he's on the leg in the western part of the State.

Buffalo, today is Rochester and tomorrow is Syracuse.

They will be ongoing, I think the last one is the May or rather than June --I think it's the middle of June.

It may be the June 9 presentation in Manhattan.

These seminars are very, very important in and of themselves because it's our opportunity to go actually out into the field and

make presentations to people as to how to file and how we can help them.

It's not ideal and because it's offered for a very short period of time and our staff has to leave things that they are doing to go out there and, you know, it takes away from their own job.

We send out some of our program aides and because they are just so expert on the issues.

So they go out there and they discuss with filers, many times it's attorneys in the audience how to effectuate a correct filing.

They don't think it's an ideal situation because it's very narrow.

You know, it's a very restricted period.

So this training issue will be reflected in the new campaign finance -- It's not a unit, but a subset, let me say, that you the board approved positions for.

We have two people in those jobs now.

And what the intent will be is that on a full-time basis and over the course of the year they will present ideas to Bill and myself as to how we can effectively reach the people who really need to be reached.

I'm not convinced that in these seminars, which we do advertise and you know, we ask the local Commissioners to advertise that we are really getting the people that we need to reach in terms of what filing is all about in 2008 in the state of New York.

I think there's an audience to be reached that we are not reaching through the method that we have available to us now for a number of reasons: Time constraints, personnel issues, things like that.

I'm very hopeful that this will be the last year that we present this kind of a seminar process as it exists today and by next year we will be in a much more, a much more routine educational mode in campaign finance.

For now we are doing with a we can and we certainly will carry overall the things that we do correctly in the seminar process, but I hope to expand it greatly.

>>: Liz, did you mention you were going to tape one of these sessions and put it on the Internet?

>>: What we hope to do is actually create a Web based tutorial that can be accessed on our Web site.

I'm sure that it will work with George and his people in terms of getting this done.

And that way people can --  
Granted, hands on is the best.

But I think to have available on our Web site a tutorial for someone to go to, if they are having an issue will be invaluable.

That's one of our plans.

The E biz filing, electronic filing matter that we are trying to get effectuated in our office right now hit the snag that I

told you about at the last meeting in that it was considered by OGS to be an ongoing service.

So we had to go to the contract route.

Our vendor is currently in discussion with OGS in terms of finalizing the paperwork to get that done.

That should be in the works very shortly.

We internally, campaign finance had a meeting regarding the software neutral project that George put together.

We had meeting with the unit and internal meeting on the issues we had and met with George's people again.

This is a very, very effective and really productive process we're having in terms of creating this new system, I guess George calls it a system.

It is in many ways very intuitive.

We had conversations with Phil and I think hope was at the last meeting and it's very, very good in that it assists the filer intuitively.

If a filer attempts to do something that is improper or doesn't rise to the level of needing to do that, there will be a pop-up saying whoops, basically you made a mistake.

Of course, it can't, it can't analyze the data in terms of what is being presented to us, but it can analyze the steps in many ways.

If someone is trying to do something that cannot be done or you just can't move forward without a step being done, it is going to assist them by telling them that and point them back to the correction.

So this is a very exciting thing.

We know it's going to take a little bit of time.

We are not expecting to roll it out until 2009.

But it's really going to be a very helpful tool.

So we are excited about that.

In campaign finance we have six program AIDS whose job



basically is a call center and they are there to, for all of the day to answer telephone calls from filers, candidates, treasurers.

At the end of this month, within the month we will have lost three of those people.

Two of them, yeah, two of them will have left by tomorrow and the third will be leaving by the end of May.

So going from six program aides to going to three program aides by the first will put a crimp in campaign finance since we hover around 9000 filers, something like that.

I don't have the figure with me today.

It's imperative that the agency go forward to fill those positions as quickly as possible because it will be a real problem with the July filing not to have --

To lose 50 percent of those people.

So I have had discussions with stan.

I had discussions with Bill.

I talked to Pat Tracy and I really, you know, it really is not an optional situation in terms of filling those positions from my perspective.

It will be extremely difficult place to be in, you know, on July 16 without somebody in those positions.

>>: Is there any issue on that?

Has anyone said that they shouldn't be filled?

>>: In the context of my conversations with Pat, there are certainly issues from the budget perspective.

I don't know what those might present themselves to be, but I implore the board to take the position if there are some issues with filling those out

that they are really necessary and I just can't imagine getting through this filing period without filling those jobs.

So I bring it to your attention --

>>: Why isn't the money -- the money is in the budget, right?

>>: Not enough.

>>: The service money is rather tight.

Although I did work up if there was some vacancies that ran for awhile, we would be able to make money to cover that.

If you fill all the campaign finance jobs all the way, there's some funding left there that will absorb some of the other expenses.

I did work up the payroll last night for each person, for each item, each payroll.

And I did get it to work.

If we are not filling all the other jobs at one time.

If you're not filling the other investigator that some of the State funds, then, you know, we can make that.

>>: But these people answer the telephone, Pat.

I know they have to be trained so they know what answers they are giving and Anna needs three people, too.

What level is that?

You know, what level on the --

>>: Grade.

>>: It's grade 13.

>>: I'm just wondering, it wouldn't be less, you know.

>>: Is there any way to bring someone in?

That's predetermined?

Is that predetermined.

(Overlapping speakers).

>>: We couldn't bring other people in who are not civil service, I guess.

>>: These are competitive jobs that their duties and descriptions have been defined with civil service.

>>: Yes, okay.

>>: Liz, how long does it take you to train somebody?  
That's my concern.

>>: You know, I don't know as we sit here.

I have not been faced with a position of having to do that.

I can get you that information to the best of, you know, my ability to project it.

I don't have it to tell you today.

>>: Are we not competitive?

And do we need to maybe fight to have upgrades?

>>: I think we are competitive on that job description.

>>: I think that's a fair job description.

I'm not saying you can't fill them.

The one suggestion I had with you and Stanley, we don't replace one of the project assistants that is leaving in your unit.

That would give some savings to help pay for this.

>>: Then suppose they need a project assistant?

>>: We do.

We will get to this.

They haven't done anything in terms of the audit yet of the database.

>>: Very difficult.

>>: I shouldn't say anything.

>>: We are in need of people.

Really, we are, because of the new than ins, the new campaign finance, what the law was passed this year and now there is the chance to do so much more, Liz.

>>: The reason I bring this up to you, Commissioners, is so you are aware of the issue in campaign finance.

I don't expect you to resolve it as we sit here necessarily, but I want you to understand what the situation is and not be caught by surprise at some point when we're not being able to effectively do that part of the job.

I don't anticipate that happening, but I feel it's my responsibility to tell you when there are changes of that magnitude occurring in my unit.

>>: Absolutely.

>>: I appreciate that.

I would like to mention that Commissioner Keelmer and I had a passing conversation at the conference a couple of weeks ago, having to do with this general subject.

Do we have enough people to do the work.

Do we have the financial abilities to pay the people to do the work.

It's a question that I don't believe belongs at this kind of meeting at this level.

It's something we are aware of, we were speaking of.

We appreciate what you're saying.

Let's stay with it.

Don't let this go by.

Time is of the essence.

We have a challenging year ahead.

>>: It's not just Liz's unit.

We have expanded in so many of the units.

We need to do it right.

If we don't do it right, we sure hear about it.

To do it right, sometimes you need additional employees.

So I think you're right.

This is not the place, you know.

Those who work the budget have to bring it to us and tell us what we can do and where we can hire people and I hate to do it hodgepodge.

Well, we didn't find the people for this job, so we'll give you two here.

When we find the person for that job we don't have the money anymore because we brought in two people --  
You know, we have to do this correctly and right.

So to the best of our ability with the limited 51s that we are going to have.

I can see both of you look very worried.

>>: I would like to address this in the executive session when we talk about all of these issues in the whole context.

>>: Yes.

>>: I have a couple of more matters I need to address.

As Allison referred to, the Commissioners association summer conference, campaign finance was asked to give a presentation also.

Bill and I are currently working on a presentation that we preliminarily addressed at our conference in Syracuse.

It has to do with the HAVA complaint procedure.

We need the counties to fully understand their part in a HAVA complaint being brought, whether it be informal at their local level or whether it be a formal complaint that comes here.

We want them to have a packet at the summer conference which we are working on getting together.

Actually we are working with NYS tech on documents we want them to hand out.

We want them to understand their role.

So we don't want there to be any misunderstandings about what has to be done when we receive a HAVA complaint.

We are going to do a presentation at the summer conference on that and I think it will be helpful to the counties.

They were reception that we give them more information on this issue.

I have a couple of project assignments in our unit.

Bill and I sat down, I think last week or so, and went over what outstanding issues we had.

There are two project assignments that we decided to pursue at this point in time.

One is that our policies and procedures in campaign finance and enforcement need to be reviewed and updated.

So we have created teams to do that.

And it is not, it is a time-consuming project.

But I think as I look at it, we are probably going to look and get these teams moving probably the second week in June.

I think the result of an update on our policies and procedures will be nothing but beneficial to everyone.

The other thing that we are doing is we've started to do a Web review of campaign finance issues on the Web site.

And the new state board Web site is really very nice, but we want to make sure that all the things that are on there related to campaign finance are in as good a form as they can be.

What we did was created binders of our pages, basically.

We will review those pages routinely for any changes that are needed and we have assigned a team to be responsible for doing that also.

So we try to keep up to date on those things.

I think the last thing I would like to address is the 'O6 corporate over contribution project.

I'm sure the Commissioners are well aware that early this week there was a press conference in Albany that had to do with a criticism of the board for its lack of action regarding corporate over contributions.

And I, if I could just address that for a moment I would like

to say that while certainly we welcome the review of anyone who want to look at what we are doing regarding matters of corporate over contribution,

I would like to say something about what we are doing actually about it.

The press conference and subsequent press release alleges that there are apparent violators of the corporate contribution limit for 2007.

It alleges that there are 179 corporations, but it actually breaks down that into identifiable corporations as being 61 in a cross reference with the Department of state Web site.

There are 118 entities, I guess I could call them, that we don't know whether those are corporations or not.

But those are names that have been put out there.

And for 2006 the figures that we had from NYPERG are 161 corporations.

The allegations were that they appear to have violated the campaign corporate limit.

And if I could just say that I appreciate the fact that in that public announcement that these groups did say that these named businesses were apparent violators and that they may really be,

these names may really result from bookkeeping errors by campaign staff or short comings on the Department of state Web site

and of course there's always the caveat that they be knowingly and willfully made to create the mens rea required for the rim prosecution.

The thing that I really, in reference to this.

The comment was made I believe at the press conference and also in the press release that these groups,

inspite of all those caveats as to why these may not be actual violators, that the groups urged the State board to end its inaction.

I would like far a moment if I could to address what action we here at the board are actually taking in campaign finance regarding the corporate over contribution issue.

161 entities were identified by this group in 2006.

I would like to say here through a very, very careful analysis we have identified 324 names that we are actually looking at to determine whether they are potentially corporate violators.

To legitimately reach a list of violators that we allege are violators that we could bring to the board, there are a lot of steps that have to be undertaken.

The first thing we have to do is get a workable report.

It isn't as easy as it might sound to just say let's go in there and name all these businesses that appear to be over contributors.

The parameters of the report we get have to be very, very defined.

We work very, very closely with George's people to get the set parameters very, very carefully assessed so that we get a good report.

After we get the report, we have to manually check every filing because we are getting these named entities from campaign filings, from committees,

from whoever is the treasurers are making these filings and they are naming somebody and that's where we get the name.

We are going and checking every filing.

Then we have to check manually the Department of state Web site to see if they are indeed corporations.

We have to go and check as to whether any refunds have been made by committees of any of these dollar figures.

Then we have to identify potential mistakes.

We work with the committees to see whether it's a reporting error or it was just an error in the name or whatever.

We work with the commit committees to amend their filings.

The whole purpose again is compliance and is that we assist people to make the lists available and the information available to the public correct.

So we go through all of this.



We work with actually the corporations that are named or businesses or whatever they are so that they understand the importance from their perspective of telling

or at least informing in some way the candidate that they are contributing to because we don't want to discourage the contributions, that they identify them correctly.

There are some instances where the corporation will include a cover sheet where it will say please report this as -- Whatever the name is so that it's done correctly by the committee.

It is not a preif 88ed by the committee so it end up on a list somewhere.

We send letters to the corporations advising them that it appears that there may be an issue.

Please call us.

We go through this entire process to get to a report that we can bring to the board.

And that report has to be in the form that Bill and I are comfortable is not a buck shot approach to naming people who are on it.

We want the names that come to you to be legitimate.

We put in all this work.

It's not an easy process and it's not something that can be done quickly.

We are benefited by the fact that we have additional staff this year.

We've added some auditors, auditors to the staff who are taking over this project because obviously in the past we have had to have the project worked on in little snippets by other people that we have on staff who have their own job to do.

So we are hoping that this will be, I certainly attend and Bill is in full agreement, this will be a more routine process.

But it is not an easy process and it is not a quick process.

As soon as the people in my unit have this 2006 to the point

where we can, Bill and I, look at this and make an assessment, make a report to the board, we will move on to doing the '07s

that have been raised in this press release and meeting or press conference this week.

So I would like to assure you in light of the fact that this was out there this week that the board is not inactive.

When I say the board, I mean enforcement and campaign finance on this issue.

We have undertaken this project and we are working diligently on it, but it's a big project.

That's all I would like to say.

>>: I have a question.

On the HAVA complaint, what is the status on that now?

>>: The HAVA complaint is actually today is the day in which the respondent must have in the hands of the State board and the complainant the response papers.

And so the close of business today, they have to submit.

>>: Are you having any problem with getting this information? Lizly not that I'm aware of.

I expect it to be in our hands by the end of today.

>>: I want to tell you that I read the press release, too.

I commend you for the work that you've done and the one question that I have for you is: If you have another copy of this, I would love to have it because there are so many people that ask these questions.

I have to tell you, I don't know that much of what you know and this is an awesome thing.

I appreciate it.

>>: Thank you.

I'll give you copies and it's also available on our Web site.

It's downloadable.

Print it.

>>: Sometimes I have people who come in to my business.

>>: Liz, I want to tell you something, too.

Over the years we have always had legitimate complaints from outside organizations that feel they are helping the election process and I appreciate that.

It never has really been that there's been neglect in this office even when there's small staff.

I know now that we have you at the head of it and an even larger staff, it will even be done better.

It is not a concernment I thank them for alerting us to the concerns that they had.

What has to be done is a very, very thorough process so nobody is told they were doing something wrong when they didn't do something wrong.

I appreciate that and I appreciate both you and your office for all that you're doing on these issues with so many burdens that we've placed on your shoulders down there.

>>: Thank you, Commissioner.

I want you to be aware this is an ongoing process for us.

It's something we are doing all the time.

It's just not an easy or quick process.

We are working on it in a routine manner.

>>: I know that.

>>: Anyone have further questions?  
Thank you, Liz.

ITU, George Stanton.

>>: Actually I wasn't going to mention this today.

Since everybody else opened the door for it, I am actually have three unfilled help desk positions myself, plus I'm down one person on maternity leave.

We are serving the same eight or 9,000 campaign finance voters with two help desk people downstairs this summer.

So response times may not be as quick as people are used to and phones may not get answered as quickly, that kind of thing.

Plus I have offered the suggestion for saving the agency half a million dollars a year by taking over the help desk duties for the NYS voter database that we are paying saber to do it right now.

But I can't do it with the staff I've got.

It's undoable.

I'm not begging, but I want you to be aware of that.

>>: George, may I request s ask, the help desk, it's a big thing.

I wonder if you and Liz and Anna can get together and zoo if there's a consolidation.

So all the phones come into one phone and then get sent out to the people who have to answer it.

All the calls, rather.

Would that be better if we had one consolidated group of people that answered?

>>: The phone is not the issue.

I mean, it's the people who specialize.

>>: The person to do it, I know that.

But new people come in.

They probably have to refer to somebody else, you know.

Until they got it down Pat.

I know how anyone could have all the answers, but I wonder if it's something that the three of you, if it's worth the three of you talking about a consolidation of.

>>: There's nobody to refer to.

You have to have the bodies.

Then we do have the campaign finance calls all do come into a single number and people get to select whether they want to talk

to someone about the campaign finance procedures themselves or someone in IT to help with the software.

That does filter out.

>>: See, I was thinking of one set of operators who answered all the phones and then did that, send them to where the -- George gornl the phone system is doing that itself.

We don't have to hire operators to send people to people we don't have.

>>: If we don't have the money, rather than leaving you with nothing, saying could we do a consolidation, maybe it would be per.

That's all.

I'm thinking as a business.

>>: We do filter most of the phone calls through a system that filters people through where they belong.

It wouldn't make sense in my eyes to have a staff person to do something that is being done automatically.

I don't think you can consolidate -- As far as people, my people are cross trained to do all kinds of IT stuff.

They don't just answer campaign finance calls.

They do setup of equipment and a lot of other things.

>>: Right, and I'm sure the same is true --

>>: It's all the same but it's specialized to a specific area.

>>: I should have been quiet.

That's fine.

>>: No, that's fine.

Good question.

We recently completed the NCOA processing.

The files have been sent out to the counties.

There's really little difference in the way that NCOA processing has been done since 1993 as far as the counties go.

The only difference is this year we just pulled the data out of the NYS voter system and sent it back to the counties via a secure file transfer rather than sending CDs.

And they were all sent out Monday.

So I'll skip around here.

The Web page as far as Lee had mentioned that earlier, that the new Web page was released.

It has a better design.

Nice and clean.

We have a Google Web crawler, the search engine that Lee talked about that basically indices all of our pages so that people can quickly search it.

>>: I take your word for it.

>>: We also, because we have the Google Web crawler which is basically a piece of hardware, give us the opportunity to use Google analytics, too,

which Lee is going to be down about because he's always asked about this kind of thing we haven't been able to provide.

But now going into the future we will be able to provide statistics on Web page hits and what people are looking at and all kinds of different analytical stuff for the Web site which is going to be good.

The steering committee has been meeting on a weekly basis.

This is the NYS voter database steering committee.

We review any issues which need to be addressed.

Right now some of the things that we're talking about on a weekly basis is the New York City voter maintenance.

Obviously the duplicate maintenance and that kind of thing.

There are some outstanding system development issues that the New York City vendor still needs to provide that as far as reverification of DMV and Social Security

and that kind of stuff and also the ES&S has the same outstanding enhancements they have to make.

I have a completion date that I got from ES&S on theirs.

They hope to have it done by the end of May.

We have to work with New York City to come up with a date that they are going to implement these things.

We have been working on the implementation of the database audit procedures which we presented at the conference.

The staff was assigned to form the initial audits of these.

Which is Deirdre hammer and Vikki pa triewsh cay.

Vikki and Deirdre are applying for DMV accounts so they can compare voter records to DMV to see whether or not driver IDs match, names match, that kind of thing.

We'll help them trouble shoot some issues if there are any.

Let's see.

They are reviewing some initial reports from NYS voter that I provided to them.

We have some counties that have been sending us I think more in the initial load than on an ongoing basis bad combinations of party codes

that created some interesting processing when I was doing the enrollment figures this year.

We also did a report on voters that are flagged to show ID but also have voter history.

So there seems to be something that doesn't jibe there.

They are going to take a look at that.

We provided the other day a latest audit status for all

counties in the state in the audit status shows how many people are successfully audited or not successfully audited.

It becomes extremely important when we get to printing the poll books especially.

They are also looking at the voter ID verification.

They are drafting letters --  
We decided to draft two letters.

One to all counties regarding the ID verification and noiks,  
which is section 5210 in the election law.

Because there seems to be a lot of misunderstanding of what exactly counties are supposed to do in that instance.

Also they will be drafting a letter to counties who are in violation of 6270.

8 which is the duplication.

As far as campaign finance, it was mentioned that Phil has been working with the CFU staff on the operating system independent software

to get their feedback and he has been making some enhancements.

We hope to get that finished up by the end of the year so we can put it out for beta testing, maybe for the January file and perhaps hopefully be able to release it to the entire population out there for the July filings.

I also have a couple of developers reviewing the whole database design for campaign finance to try to come up with ways that we can handle

some of the problems that have come up since we have --  
Well, we've found them over the years, but especially since the county filings,

some of the things like multiple special elections, multiple off cycle reports are tough to track and report on.

They are looking at ways that the database can be tweaked so that we can handle those better.



And as far as we have a process going right now for the NTS counties in the statewide database.

They are basically so far the only ones ready to do it other than the independent counties, where we're doing a reverification of driver IDs,

Social Security numbers for anybody that was registered after January 1, 2003 because there were some gaps there where between NYS voter Juan and NYS voter 2 and anything.

We have started out with the counties.

We have 25,100 voters that were flagged to show ID before we started running this and now those counties are down to 5,000.

They are down to a 75 percent reduction.

We are particularring on, on Rocklin county right now alphabetically, going through the counties and we should be done in two weeks with NTS counties and we are adding Suffolk and Monroe county I believe is ready to go.

Then we only have to -- Hopefully by then ES an S will have done the upgrades they were supposed to do by May and we'll get them in the mix and followed by New York City, hopefully.

Questions?

>>: I have a lot of questions.

All right.

Let's start with George, the letter that Nassau county wrote concerning the integrity of the voter database.

I'm not sure I understood exactly what issue they were addressing.

Did you?

>>: I'm not sure I understood it either.

I don't know if --

We talked about it a little bit yesterday.

It had to do with the NCOA processing, I believe, was part of it, which really has not changed at all.

So I'm not sure where they're going with that.

>>: And --

>>: I don't have a copy of it with me.

So --

>>: I had sent an e-mail to you last week about the NCOA process and some of the issues that Nassau county had raised.

So you say there has been no change.

So that there is no NCOA transfer of registrations across county lines.

>>: There's a whole process, and Bob as a former county person can address this probably better than I can, but there's a whole process they have to go through if a voter is identified as a moved voter.

They have to send a mail check card and go through the whole process.

That was since NVRA was implemented in 1973, 1974.

>>: You are saying there has been no change as a result of.

(Overlapping speakers).

>>: The thing put in the regulation 6217 just deals with a processing the data file and making the data available to the Commissioners for their review and processing.

And it's the same as we did before NYS voter.

The only difference is, instead of taking the data from a particular county and putting it on a CD, we put it in a file and it goes FTP from one computer to another computer.

The same type of service we did for 15 years we continue to do.

We just deliver it to them in an electronic transfer rather than a CD.

The work that the counties are doing is the same.

The fact that we have NYS voter didn't change their work.

I think that memo we tracked down from NVRA the last time we updated it was from 1995.

We discussed looking at it and seeing if there's any other change that happened since 1995 and get that memo out to people in case they --

I think we see now if somebody is not doing the mail check work, but the work that the county does hasn't changed.

There's nothing about NYS voter that changes what they are supposed to do when they get this information.

How they process it is a local decision.

You know, what elements.

>>: I think Anna raised her hand.

>>: I was just, when HAVA was first presented we did talk at the senior staff level about approaching the legislature for a change in the legislation, but it would require a change in the institution.

But the database was now a perfect vehicle for being able to transfer your registration around the State, but for the fact that the constitution requires you to fill out a new form when you move from one county to the next.

We talked about that and I thought the attorneys had drafted some proposed language, but it never went any further than that initial conversation.

I mean, the database is a perfect vehicle for having that accomplished.

>>: Yes, we did talk about that, yes.

>>: I certainly support that legislation.

I haven't seen the draft.

Maybe that was before 2005.

>>: When HAVA was first talked about, having to require the statewide database.

It would improve that concept and bring back the concept of transferring your enrollment from county to county.

Now you have this world where people move for a day and a half and come back and start with a whole new enrollment.

>>: Anna, why didn't we go forward with that?  
I know there was a reason.

>>: It would require the legislature and the constitution to be changed.

>>: Oh, that's right.

(Overlapping speakers).

>>: They would have to change --  
>>: We've done it before.

We did it with NVRA.

Every four letter word that comes down from the feds, we can probably take a shot at it.

>>: It is one of the biggest volume of phone calls I get from the counties, where someone moves from the county, months away, comes back again without ever canceling.

There's a process that should have been follow that couldn't be followed because a voter database didn't exist.

It is going to take time to work out the oddballs in there.

Once it has been in existence for a couple of years it should be much more smooth.

>>: Next let's turn to New York City.

You mentioned that hardware issue with New York City?

>>: Not a hardware issue.

It's enhancement of the software that we --  
It's when we started doing these ID reverifications, is the main piece of it.

There's two other pieces, too.

Well, actually one doesn't apply to New York City.

The other piece is --  
>>: Talking about New York City now.

I want to stay on focus because I'll lead into what we are doing with New York City.

The first, is there a functional issue that the New York City system is not functional right now?

>>: It is not that it's not functional.

It's functional to the point of where we did the initial compliance testing.

Then we did an enhancement to our system where we run this DMV batch processing which allows the reverification of people and that requires --

>>: Can you explain with a that is?

>>: Yes.

What it is, it's two parts, actually.

If you send in a voter registration with a driver's license or Social Security number, and we try to verify it and there's a communication error so it can't be verified,

now we resubmit that daily until it gets either verified or notice comes back saying no, this cannot be verified.

It handles all those communication issues.

The second piece is what I talked about earlier where we reverify all the voters since January 2003 of all the voters with driver's license or Social Security number.

In order for those to come back, they have to make slight modifications in the transactions they can handle coming back.

The NTS counties and ESS counties --

The nts counties and three independent counties can all handle it because they made the changes.

ES&S will be making the changes they committed to.

New York City has not yet made those changes.

We don't have-i a schedule of when they are going to do them.

>>: So what is the consequence of that?

Does that mean that right now the overwhelming majority of the ID required flags on there are improperly on there?

>>: Well, I can't say that they are but that's a definite possibility.

We don't have the ability to go back and try to clean them up like we are trying to do with the other counties right now.

>>: So owe he owe well, are there other options than trying to do it all electronically?

>>: Not that I'm aware of.

>>: You can't send them a list and have them manually enter the list?

>>: Send New York City a list?

>>: Yeah.

>>: No.

They would have to go through and somehow send an update for each voter who is on that list, which can get very iffy.

It's much easier for them to make the change to handle the --  
It's only a slight change that has to be made to handle the transactions coming back.

>>: In New York City now, how many voters have ID required flags on them?

>>: I don't have that number in front of me.

It's large.

>>: That's ridiculous.

Will these people be turned away when they go to vote?

>>: No, they will be required to show ID.

But most of the people who are on that list perhaps as high as 95 percent are on it erroneously.

>>: Well, I realize that.

>>: So the problem is, who is addressing this?  
Is it really happening?

>>: One of the things that happens specifically, when the law changed in 2003, if you gave the last four digits of your Social Security number,

and until NYS voter 2 went into effect which for New York City's purposes were last August, close to September, there was no mechanism to take that four-digit SSN number because it goes to the DMV -  
-

It goes from NYS voter the full system to the DMV to the Social Security Administration office and then back.

So a lot of the people that can be cleaned up, it's now that the mechanism of NYS voter is working.

That's why we made the modification in October of last year to ask the vendors to do that, it allows us to reach in and reverify all those people who registered after 2003,

provided the number, and ID has not yet been completed on them.

So we can go back and clean that up.

There really wasn't a process.

There is a process now and there wasn't one then.

If the vendor doesn't put the patch in, we can't do it.

>>: Right now it's not happening in New York City.

>>: And the ESS because they haven't taken the time to do that.

>>: What is the timetable for ES&S to get this done?

>>: That's one of the things we talked about at the steering committee.

We have to reach out and work with the vendor to set a timetable.

Actually we have been working on other things involved with New York City and other counties.

So this is kind of fallen on the back burner.

Now we have to get aggressive with it and get it done.

We have the time between now and the time of the elections to get this cleaned up.

>>: Not everyone brings identification to the polls when they think they have been voting and they don't need to.

They just come in.

They might have, you know, they are out with their children or something.

They might have a purse with a couple of dollars in it and not thinking I have to have identification today.

And then they are turned away from voting in a Presidential election? That's a very big --  
We're talking about lots and lots of people, gornl, you said.

>>: That's what we are hoping to avoid.

>>: We can't hope.

It has to be avoided.

It has to be more than hope.

>>: So --

>>: Some way.

>>: I would insist that we get a timetable.

Certainly by June, if it isn't even corrected by our June meeting, that -- But that this has to be a priority within the committee to get this done and taken care of.

I mean, that's my view on it.

Now, let's move to the other New York City issue which is their processing on the duplicate voter list.

I don't know whether you or someone else is the more appropriate person to respond to what they've done since the conference.

>>: The good news is I had communications with Steve Ferguson, the IT record down there.

He's coming up with dates to set up --



I mean, we trained people down there to use the system back in August/September.

They never used the system.

He's now trying to set updates for us to go down and retrain them.

There is some movement for them to start doing this work.

That's all I know about.

>>: Well, --

>>: The only other letter we received, I think is from both executive directors after their last meeting that they would start mailing out the traditional 14-day process letters to people on the dupe list in an attempt to clean them up.

That's something they told us they were going to do last October and they never did.

They told us they were not in a position to make a change between the primary, the general election and the Presidential primary.

As soon as the Presidential primary ended we asked them how are you doing on making that change?

When is it going to happen?

And by the way we notice you didn't --

We noticed you didn't do the letters you told us you were going to do in October.

Now they started that process.

>>: I believe they took it to their board and got authorization.

>>: Yes, but they didn't do a timetable which we asked them for a timetable.

I thought we had discussed at the conference that we were going to draft either a letter or I had suggested a formal order to New York City to comply with the regulations.

Has anything happened on that?

>>: The letter was drafted.

We had a couple of drafts of the letter and at our meeting yesterday we had decided to divide it up into those two letters which I had mentioned earlier.

One covering the proper process for the verification and one specifically for those who are violating the, not doing the voter maintenance.

So Deirdre and Vikki will be drafting the final letter and bringing it to the steering committee so we can proceed.

>>: When will that be going out and what follow-up will happen to make sure it happens?

>>: You may want a formal order because what we are looking at now are more form, what the committee agreed on yesterday was more like form letters.

I don't see how that's going to have a huge impact on New York City.

>>: I think my own view is that we are at the point now where the State board should be giving a formal order to New York City to comply with our regulations.

And that the, you know, it should be written in accordance with the statutory authority that the State board has in supervising the county boards that we are not asking any longer.

We are telling them they must do this.

>>: Will this be part of the answer, the response that we are supposed to be getting today?

>>: I don't know.

I don't know what it will include.

>>: Shouldn't it be in.

>>: I think they are two separate issues.

>>: It has to do with dupe cake.

It has.

(Overlapping speakers).

>>: Do we really have that kind of statutory authority?  
(Buffering.)

)

>>: Absolutely.

>>: We never used it.

>>: That's the problem.

That --

The problem is in two ways.

First of all, New York City doesn't seem to regard this as a priority issue to actually do this.

So after we started raising this at the last couple of meetings and at the conference again, so their Commissioners

have voted to send out the letters, but without any timetable for completing this project.

So that's the one side of it.

The other side of it is that now that we have the statewide database, New York City's inaction actually adversely affects the other counties.

So that they can't clean up their database because New York City is not processing their duplicates.

George, correct me if I don't have it correctly.

>>: That's absolutely correct.

One case in point, Suffolk county is always contacting me with like the e-mail I forwarded to you that these voters would be resolved if New York City would do their job, or Nassau county.

>>: I have been contacted by several Commissioners from the suburban counties this week.

I guess it was a follow-up to the conference saying please, make sure you do something with New York City.

>>: Nassau was complaining.

This he were really complaining.

>>: Suffolk, all of the suburban counties and perhaps the most vocal to me has been sue barren from Orange County.

>>: Yes, sue was.

>>: I'm disappointed that we don't have anything in front of us for action by the Commissioners today.

Yet I think we should did something.

That we can't let this pass.

We need to set some deadlines for monitoring New York City.

And actually do the monitoring to make sure that New York City is fulfilling their statutory duties to comply with the state database regulations.

>>: You're look are for an order, communication in the form of an order from the board?

>>: Yeah.

>>: Is it only New York City that is --

>>: Fair question.

>>: Nassau county actually has more duplicates unresolved.

They were the top of the list on the shied I showed you.

>>: Before you do an order to New York City, make sure that New York City is the only --

>>: They are not the only ones out there doing this.

>>: My question is, who is working on this at the State board to make sure this gets done?

So that we don't have at each meeting saying well, we're talking about doing this and talking about doing that but we don't actually --

>>: I'm thinking about the mess at the polls in September.

>>: I suggest that next Tuesday's steering committee with Stanley an Todd -- I don't know if Todd is back yet or not.

>>: No.

>>: But the steering committee we can set up a conference

call with New York City, the people that need to be talked to to set up a timetable of when these things are going to be resolved.

>>: True, George, but there should be written records somewhere and followed by a letter.

>>: The two can go in conjunction.

>>: To confirm this conversation.

I think a letter is better.

I look to the lawyer here, to Allison.

>>: As I said, I was prepared to vote for a formal order today.

>>: Main we can discuss that at our June meeting see what happens by reaching out and, you know, giving them a timetable,

speaking to them and Zenning a confirming letter with what we are asking them to do and why, you know.

And I would do that to any other county that also, like if Nassau has the same problem, everybody should be treated the same here.

>>: I had prepared a letter and it was correspondence back and forth between topped and I never got an answer as to what to do with it.

A letter, there's a draft out there.

We can redo it.

We can do whatever you want.

>>: Bring it to the meeting.

Bring it to the Meg meeting and present it so that if anyone has any changes, Deirdre --

>>: I did that.

>>: Did it contain timelines?

>>: I don't want to go into that now.

We can do that in executive session, as to the contents of the letter.

Okay.

>>: Next item?

>>: It's a serious issue.

>>: Are in terms of personnel, let's actually --

What's actually being done to do the operational audit of the voter database?

Has anybody actually started taking the registration?

I know that there were 20 registrations that had voter ID required flags on them and we found that all 20 of them had improper flags.

Has anything been done since those 20 were reviewed three months ago?

>>: The PAP was implemented in Nassau county and --

>>: Were any registrations with flags on them after the patch, were those audited.

>>: Those same people have been re-audited so the flag was taken off.

>>: We are using jargon.

Has anybody actually gone and looked now with the remaining registrations that show voter ID flag whether or not those flags are proper?

>>: I think George does that every --

>>: How could George do that?

>>: The answer is no.

>>: Who is now assigned to do that and when is that going to get done?

>>: Those I believe are president kinds of things that Deirdre and Vikki have been assigned by the steering committee.

Correct me if I'm wrong.

>>: So what is the timetable for an interim report that we will get on those review functions?

>>: Well, Vikki is currently.

>>: I don't want to hear --  
I'm sorry.

>>: We have not put together, the steering committee does not put together any timetable as of today.

>>: Okay.

I would ask that that be made a priority, not just to put together the time tab, but to actually start the work that people,

personnel need to be assigned to this so that we have hands-on review of the quality of the records in our voter database.

>>: Okay.

In fairness to the people that are actually going to do this, this has taken so long because we did the procedures and now we are looking at,

you know, what exactly do they have to look at? What mechanically do they have to do to go out and do that.

It takes time to do that.

Not that I'm doing it myself.

It takes time to implement.

It took us five years to get to this point in the database.

>>: George, I'm not buying it.

I want you to get the people doing it.

>>: George is not responsible for that.

>>: I could argue you with that then I turn to Stanley and Todd and say look, you have to get the personnel assigned to this and actually get the work done.

>>: We have our assignments.

It is Vikki and Deirdre.

And they will do it and it sounds like from what is coming from the Commissioners that we need a time for this to be done.

Does anybody the steering committee or Deirdre think that by the next board meeting a specific response to Commissioner Kellner's request could happen?

>>: Yes.

>>: I think it's a very important issue.

It's not a little thing.

That's what we are about, registering people to vote.

If we start flagging people who have no reason to present ID, it's wrong, absolutely wrong.

It's one of the most important thing we have to do is register people to vote.

If they are registered, make sure they are not wrongly turned away because they don't have proper identification when they properly identified themselves a couple of years ago.

We have to move on it.

We have a primary coming in September.

We have Presidential election, most important election we have in this country in November.

You said you went through the list and 90 percent of the people were erroneously marked.

>>: No, he said that.

>>: Close to that.

>>: It was 100 percent of Deirdre's review were rear reason justly marked.

>>: Twenty of them, every one of them was wrong.

We have to take time and correct that more than anything else at this time.

>>: You have one more?

>>: The saber contract to provide backup for the counties.

When does that expire?

>>: The help desks?

September 30.



>>: Okay.

And I assume we are planning not to renew it at this time?

>>: My recommendation was to renew maintenance but not the help desk.

My recommendation also included, you know, that I need a couple of help desk people --

>>: Excuse me, hold that note.

>>: What is making the noise?

>>: Tape recorder.

>>: I thought my hearing was going.

>>: My recommendation to the executives is that we hire two help desk people to support my staff to help take other over not only with the campaign finance but also.

NYS voter stuff at a cost of \$100,000 which would offset we are paying to -- The \$600,000 we are paying to saber.

>>: You usually copy me with this stuff.

I don't recall that I see that one.

>>: I think I was asked for it and wrote it up real quick and sent it off one day at four frief.

>>: I'm not saying you didn't send it to me.

You send me lots of stuff.

>>: We should have it in our packets.

>>: I can send you a copy and I can put it in the next packet.

>>: All right, thanks a lot.

>>: Thank you, everyone.

**Old business.**

Update on 6210 regulations.

Kim Galvin, Bob Brehm?

>>: We've been working in addition to other duties on updating the draft that was out on the Web site for public

comment, review the public comments and come up with a recommended updated draft.

I think we finished late yesterday going through our proposal.

There were a few outstanding issues that some of the people

commented from a security technology point of view and Kim had

sent an e-mail off to NYS tech yesterday and we did receive their comments this morning just before the meeting.

I think we have just another session to clean up some ideas that people thought we should change in that security area and we were not comfortable doing it without getting their advice.

I think we are at a point whereby the end of this week we should have that completed.

We reached out to the representatives at the governor's office of regulatory reform to set up a meeting.

We've shared some dates for next week to sit down with them.

But our hope is to get a draft back out to the Web site by the end of this week so we can let the public know where we are going with our comments,

meet with Gore so it can be on your agenda for your June meeting for your approval to move it forward.

>>: Thank you.

Any questions?

>>: I just want to confirm with the other Commissioners, I have no problem that if Bob and Kim agree on a draft that they should post that draft.

The other comment is that we have been discussing, we've identified a couple of small changes that are needed in part 6209,

the voting system regulations, for example, repealing that paragraph on vendor disclosure of political contributions because it conflicts with the statute that the legislature adopted in January.

And there may be a couple of other minor tweaks to 62 another nine.

I would suggest that they be put into the same set of regulations, particularly since these regulations have to repeal the last session of 62 another nine anyway.

So I would make that suggestion that Bob and Kim look at that and just run it by Anna and Allison also for their comments from what we found on the deficiencies in the 6209 regs.

And then the last thing, I wanted to ask what's going on with the Gore and the campaign finance regulations.

That seems to be a very protracted process, right?

>>: We met with Gore, got their comment.

They asked us some specific questions and said that they feel that the presentation that we made which was the copy that came to the board was appropriate and (correction, this is Liz Hogan).

>>: We will move on to the next step but yes, it is a protracted process, but I don't --

>>: When are the regs going to get published.

>>: I don't have a date to give you.

It appears that the timeline for this was probably to go into effect at the end of this year or in January.

In discussions with Gore.

I can't give you a date as to when we would be able to complete that process.

>>: You know, Paul and Allison, I turn to you with the question.

Under the State administrative procedure act, I understand that dpwr has the right to review these.

But they don't have veto power and three months of holdups of the publication of the regulations to me starts to be pushing the envelope in terms of what we should tolerate from them in terms of holding up the process.

We are not --

We are not a gubernatorial agency.

So they don't have veto power over our regulations.

They have the obligation as I read the State administrative act to show them the regulations and listen to their comments and suggestions, but that doesn't give them the right at least in my reading of it,

it doesn't give them right to hold up the publication of our regulations.

At this point --

>>: I don't want to say that they are holding up.

I report that we met with them.

We discussed language changes with them.

And I will follow up with them tomorrow.

>>: Liz, my problem is that we, the Commissioners voted these regulations in January and they haven't been published yet.

>>: That's correct.

>>: That's --

At the very least we should get the regulations published and then solicit public comments on them and even if they are only going to go into effect in January,

we should still be moving in along now.

>>: I think there are statutory --

To be honest, this is not my area of expertise here, but I think there are some issues regarding the review

and public comment and publication in the context of when the effective date will be.

And Allison, I don't know if you know any more about how that works or not.

You can't do it too early to make it effective, for example, if it were to be effective January 1 or whatever.

I think there are time issues there.

>>: I honestly don't.

I would be more than happy to look into it with you if you need any help.

>>: No, I'll talk to them and follow up with that, Commissioner.

>>: I think you're clear, our hope is by this afternoon, Thursday is a pretty full day already.

If we can meet for one more session this afternoon, we can clean up what we need to, especially if Nils is still here and get it off to Gore and get it on the Web site so we can start to move towards getting ready for your next meeting.

>>: Thank you.

>>: Liz Hogan again, update on the New York City Board of Elections.

Or is that something we discussed enough already?

>>: Any more questions on that?

>>: Anyone?

**New business.**

Discussion on internal control act implementation notes Doug that's mostly, we take that up in executive session.

>>: Report on Premiere voting system testing status?

>>: The meeting took place yesterday, Premiere had questions concerning previous testing.

Wondering if SYStest thought there was the ability to leverage that in the certification process.

SYStest identified that New York has much more stringent requirements and much more stringent degrees of testing.

So that some of those issues, some of those test results wouldn't serve in New York's process.

They also discussed the ability to or perhaps the opportunity to leverage testing in New York against an E.

EAC certification.

I think some of these vendors thought since they were doing EAC testing that they could leverage that work against our own certification, but that doesn't seem to work out because EAC has yet to appear on an 05 test plan.

We have an 05 test plan but we don't have individual test plans yet.

There was a lot of conversation, a lot of it related to cost.

Clearly SYStest was not backing down from its estimate because they hadn't considered some leveraging of previous test work in the estimate that they provided.

Premiere was interested in knowing if they withdrew a component of their system, would that make the cost different, make the timelines different.

The system that, the component that they thought they would remove from their application was the high-speed central scanner, for example, that you would use for absentee purposes.

Taking that out of the game plan is almost negligible.

They were interested in a parallel track for just certifying the ballot marking device.

That's not really a path we have headed down any longer.

Initially there was discussion along those lines, but clearly they were there -- My impression and Kim can comment.

She was on the phone as well.

I didn't get the feeling that they went in predisposed to walk away from New York.

I think they went in with legitimate questions.

They got a lot of answers.

I don't know that they liked the answers that they got.

They have a major decision to make between yesterday afternoon at 4:30 and tomorrow.

I didn't get a real sense one way or another at the end of that call what they might do.

An we are going to talk to the three counties that are involved this afternoon the we didn't have the answer to do that this afternoon.

We briefed them as well.

>>: They are rather large county, aren't they?

>>: Yeah, Rockland, Schenectady and --

>>: Yeah.

>>: As soon as we hear from them, be it --

>>: Do we agree that the current contract would allow these counties to retract their bids if Premiere should decide not to go forward with a scanning em st?

>>: From my limited experience in contract law, which I earned at the feet of this whole process, the contract can be called without cause.

>>: So --

>>: The voting machine contract?

>>: These three counties would have the right to re-skin their orders of Automark 200s if they disci not to proceed with certification of a compatible scanning system?

>>: What we have done so far, I assume with you are talking about the contracts, you mean the contract between the county and the vendor for purchase.

>>: We call them orders.

>>: We only had this occur one time.

It was liberty backed out.

Hamilton county had made a second choice of Sequoia.

So their second choice order was effected immediately.

Now, the nice thing about Hamilton county is, Hamilton county was happy with their second choice and didn't want to change it.

What I understand is the situation where Albany didn't make a second choice when they ordered the Premiere system.

We don't know what their second choice will be.

My understanding that Schenectady and Rocklin selected Sequoia, but I understand they may, even though they did turn in the second choice of Sequoia, they might want to switch that to ES&S; is that true in an.

>>: I think they are on record as saying they want to switch.

They sent letters.

>>: I haven't seen the letters.

I assume the letters exist.

We have to talk about what sorts of things with the contracts.

Whether they have to go forward with the Sequoia or not.

>>: My own suggestion would be that first of all if it's legal.

In other words, if we are not breaking any contractual obligations by doing so, that if these, if it should turn out that Premiere does not pay its deposit tomorrow as they are required to do, then the counties,

we should work with the counties and try to do what the county Commissioners want to do to accommodate them in terms of their goals on how they want to do it,

but if they want to change their order to a different vendor, either to Sequoia or to ES&S, then the next step I think would be that we should run that by DOJ and see if DOJ would consent to whatever necessary modifications of --

Because I think there might be minor provisions in the consent order that would implicate that.

>>: Yeah, I agree that's something that we have to look into.

The threshold question will be, even if Premiere doesn't wish to proceed with lot one testing with SYStest, have they stated that they also will not be delivering the ballot marking devices

that they've accepted the obligation of delivering?

That they are contracted to deliver? So I mean, I think --

>>: I'm moving beyond that.

>>: I know you are.

You are asking even if they are willing to deliver those ballot marking devices do those counties still want to change their order? I understand that.

>>: That's my understanding is that the counties probably will not want to purchase the Automark 200s if they are not going to be able to get the compatible system.

>>: Right, I understand that.



>>: Up's sorry --

>>: Premiere stated publicly repeatedly that they will honor whatever it is the counties want.

If they want to continue to have them deliver the machines, they will do so.

If they want to pull out and change the vendor, they will do so.

They said nothing but regardless the business decision they make they will try to be supportive of the counties and the board in whatever way they can.

>>: That's great.

>>: That's excellent.

That's what they do.

>>: I ask if that's the consensus of the comig ners, we should accommodate the counties.

>>: I wouldn't say you want to --

I let the Commissioners know that while I don't think that DOJ would have any problems with the counties getting what they want,

they would understand the situation, it's something that we should run by DOJ because they have had problems with counties changing orders and this would be a changed order, in the past.

>>: This is a slightly different thing from changing.

The county then wanted to change.

There was no --

In the Court's view there was no reason.

Here there is a reason.

The convenience or you did business with in that instance is no longer doing business with them.

So I mean, I know we have heard from two written letters from rock rine, one from rock rine and one from screen he can tad.

There are only five counties that asked what we asked them to do back in January.

We were busy, but only five got around to doing it.

That was rank their other choices and give us a complete purchase order for those other choices so that if something like this happens, we can go and get that purchase order.

Hamilton county was one of them.

It helped.

Rocklin county is another one.

Schenectady county.

Albany county didn't give it to us.

Their reaction is, if this goes into effect, we'll.

(Overlapping speakers).

>>: But Bob, there are new developments since January that I think justify allowing Shenectady and Rockland to change their choices.

I agree with Allison that that has to be run by the Justice Department.

I think that they would also understand that it's more productive in the long run to let those two counties in view of the developments modify their choices.

>>: Paul has a comment he would like to make.

>>: Paul?

>> PAUL COLLINS: This morning at the C.

L.

E.

I had the opportunity to ask one of the Albany county Commissioners if they heard from preerh Premiere.

Premiere told them we are here to stay.

That's new communication.

>>: Paul and I spoke to DOJ about this last Fridayment they are aware of the issue.

They are aware of the potential ramifications where the counties may want to change order.

No issues were raised on the phone call with regard to DOJ having a rob with it.

I think we will know tomorrow with regard to Premiere making a business issue.

Maybe it will be an issue and maybe it won't be.

I believe we have DOJ's support.

>>: All of this being said I would just like to say that I would urge Premiere to continue in the process.

That I think Premiere has a lot to gain by getting certification in New York that goes way beyond the New York market.

That New York clearly does have the toughest certification standards in the country.

And if Premiere sticks with this process and gets certification in New York, then that's something that many other states and I believe the EAC will rely on

and it will very much redo you understand to Premiere's credit to stay in this process and get it done.

>>: Thank you.

Anna, it looks like you're going to be on a couple of items here.

Additional funding for SYStest?

>>: Yes.

You have a resolution in your board packets relating to replenishing the account from which generic certification costs would be paid to SYStest and also to NYS tech.

Those were costs that had been shared with you.

They are identified in the resolution.

We are looking to fund this account to 750,000.

Take's an additional amount.

The spread sheet that shows you we are \$161,000 short in this department is --

>>: I move --

>>: Attached to the resolution.

>>: I move adoption of the resolution.

>>: Second.

>>: All in favor?

(All members responded "aye.")

>>: Opposed?

Thank you, carried.

Anna?

>>: Three system changes.

We promised the reports.

The descriptions of the changes are in the packet.

The reports themselves were put at your places this morning.

The first is Premiere's.

Premiere had delivered voting, excuse me, ballot marking devices to us at the acceptance test site that we are running a different version of the operating system than that which had been certified at SYStest.

So the upgrade on the equipment was made at SYStest.

The testing was done there to confirm that new system, come up with new hash codes, et cetera, and that report again is in your, at your places.

We are recommending that the board approve this upgrade.

>>: So moved scrim Jim second?

>>: Second.

>>: All in favor?  
(All members responded "aye.")

>>: Opposed?  
Carried.

Dominion.

>>: Dominion has two.

One is a hardware change, one is a software change.

The hardware change, we provided photos for you.

We determined that part way through the test practices, tests showed up with metal plates with ports that were disabled it would be ports through which networking could be used.

They covered that port so there is no question about the usability.

It was a metal plate.

It was shared with SYStest and a de minimus report was issued by them indicating that no other aspect of the systems functionality was affected by that hardware change.

We are recommending that you approve that.

The software changes also in the same memo, the software change was paid to increase the speed of the ballot printer so voters with disabilities could get their ballots produced more quickly.

It was taking upwards of four minutes to print that ballot.

That's considerably reduced at least by half if not more.

And the testing reports were done.

The testing that was done was the same BMD 01 testing done in the initial certification and all of the anomalies that had been manifested in the testing process were resolved.

SYStest is recommending and we are recommending the approval of this change to the software.

>>: I am going to do these spritly.

Motion on the hardware change first?

>>: On the software?

>>: I have a comment first.

Do either of these changes address the issue that several of the county Commissioners have made about Sequoia substituting a soft cover for a hard cover of the scanning device? >>: No.

>>: No.

>>: The issue comes from the initial upgrade that we did to Sequoia at the last board meeting, which, in which the printer was moved on the recommendation of IOC and other disability advocacy groups.

The printer was moved from the side where it is vulnerable and could potentially disaffect a voter's activities on that device to the top of the machine.

In doing so, a metal cover that was over the printer --  
Maybe Bob can explain it better than I can --  
Is no longer necessary.

So the dust cover that was going to come with the voting machine which is this waterproof cover, is now the only cover.

There was some concept at least in the county Commissioners' minds that there was a big metal cover on this machine which made it completely safe.

And I don't know that that cover ever did all of that.

That was the concept that they had.

>>: It still seems to me that substitution of a plastic cover for a metal cover is a significant modification and that that was never brought to our attention that that was something that we were approving.

And then secondly, that from a contractual point of view the counties did contract to buy the model with the metal cover on it.

And that our certification of this additional modification in my view does not compel the counties to use the new model because the certification for the old model still is in place.

And if the counties would prefer to get the old model, then

that option should remain open to them and require Sequoia to honor the contract as originally done.

Is that an issue at this point?

>>: I don't know.

We have to --

>>: Commissioner, I think it still continues to be an issue in that OGS now has a problem that once we change the certification on the machine they are not legally allowed to sell it.

I understand, but the last I knew about the hard cover --

>>: You used the words change the certification on the machine.

I don't know that we've ever done that.

At the last meeting we voted to approve a modification to the machine, but that doesn't mean that the old certification was revoked.

We didn't revoke the old certification.

And so that the old certification remains in place and we also had certification for the modification.

Am I wrong about the text of the resolution?

I don't recall that the resolution revoked the old certification.

>>: No, I don't believe that it did.

Just an update --

>>: The Commissioners contracted to buy the old machine which is still certified so OGS shouldn't be telling them no.

>>: I think that they've actually --  
Here we go.

I think that there has been continued negotiation with the vendor and those counties regarding the hard cover/soft cover.

I think, it's my understanding that they reached a resolution on what they are going to apply, the hard cover.

I don't know if it's --

I clearly understand the legality of the issue and I'll raise it with the OGS people tomorrow in our status meetings, but for the immediately of the concern,

we faced at the conference, I don't believe that immediacy still exists.

But I will talk to them exactly.

Because I understand your point about the binding of the purchase orders and the contract and I'll see if they have had any continuing discussions with them.

They haven't updated us on that.

>>: I am em sorry, the plastic cover was not meant to replace the cover that the board saw originally.

That was in addition to.

>>: The problem was when you move it, the metal -- (Overlapping speakers).

>>: A dust cover was always part of the deal because the systems ha have to be protected against moisture.

>>: But the counties also thought they were going to get a hard cover.

I can see where the hard cover was significant.

It does add an additional safeguard, particularly in storage and moving.

Paul, do you have a comment?

>> PAUL COLLINS: The issue, commissioner, I understand completely what you're saying.

You go back to the old UCC, this was sale by sample.

Here is the sample.

When you bought the car and they delivered it, what do you mean, you want four tires? I understand that concept completely.

The change was apparently necessitated when they moved something.



That didn't mean that they couldn't have another plastic, you know, hard cover.

A hard cover.

The difficulty may be --  
And I certainly am not in a position to attempt to defend any vendor.

(Buffering.)

what I'm concerned about is production schedule.

It may not be that they can run a two-tiered production schedule.

That's my only concern.

>>: Right.

I'm raising this as another little issue for Bob to put on his list when they come in with these modifications, because nobody ever told us it meant that the hard cover was going to disappear when we voted on the modification.

And we got to be careful that we don't allow --  
You know, I don't know whether the oversight is on our part or it was that Sequoia didn't tell us or that neither side really thought that that should be an issue,

but in the future we have to be very careful about these modifications to make sure that they don't take away something that is beneficial at the same time they are giving us what is alleged to be an improvement.

>>: Well, I think we learned from that.

That's why we brought the other complaint with the open fork.

>>: You see a down side with the plate?

>>: No, but I see it as a change.

That's why --

>>: I agree, it should be brought --

>>: The metal cover was an oversight that we learned from that.

>>: I'm ready for the vote.

>>: All in favor?  
(All members responded "aye.")

>>: Opposed?  
Okay, the software.

>>: So moved.

>>: Second.

>>: All in favor?

>>: Was that supposed to be two motions?  
>>: It was.

>>: Two separate.

>>: We voted on both.

>>: You're ahead of me.

>>: Hardware and software.

We are down to sub allocation now.

>>: The need to sub allocate this money.

This is money we applied for in the 2006 grant application to the federal Department of Health and human services which has certain HAVA kind of funds related to improving access to voters with a full range of disabilities.

In the 2006 application in the plan that we are using, we had requested that the commission on quality of care help us once we get the new voting systems to go out and do another two rounds of training

with the county boards of elections, their designated trainers and how to -- How to actually use the devices that were purchased in their community

to assist voters with disabilities when they come to the polling site on election day.

This training we will be doing during June of this year,

starting June of this year.

The need now is to put the money in place to pay for the people who will go out and do the training.

Our training program will be about a three-hour session.

Two hours of the training will be in the use of the poll worker training module by SOE.

One hour will be on the committee on quality of care on the various issues that the poll workers will need to know in how to use the voters for the voters with disability.

The budget is attach.

-- An outline of what will be carried in the curriculum so it's, for the money that is necessary to get the training accomplished.

>>: Can you explain with a CQCAPD is?

>>: Commission on quality of care and advocacy for persons with disability.

>>: Good for you.

>>: Thank you very much.

>>: Motion.

>>: Moved.

>>: Second?

>>: Second.

>>: All in favor.

(All members responded "aye.")

opposed?

Motion carried.

Policy use of HHS grant funds and 2008 HAVA funds?

>>: The State budget included two items, one was for a sum of money that was appropriated from the 2008 health and human services grant application for programs for voters with disabilities.

The other sum of money is from the interest appropriation this year, you know, for training in general.

What we are doing is, it's more of a discussion at this opinion.

We need to prepare a plan to give to the four of you for consideration for both of these accounts.

The HHS money can be used to improve training and education and outreach for voters with disabilities.

We see a real need to get this accomplished in time for this September.

The other voter outreach monies we look to do when we roll out the full system next year.

Either way we have to put together a plan in order to accomplish the voter education component.

What we are doing is letting you know we will be coming back probably for your June meeting in order to get this done.

We will be working to come up with a plan and it's a sum not to exceed.

So we will come back with what we recommend we can do this year, what we think we are going to need to do in time for next year because some of that planning

has to take place now and some of the work has to be done by contract.

It's mostly to bring the issue to your attention that it happened in the budget.

We need to do it, need to give you the plan to do it and the legislature requires a request to transfer monies so we can do this kind of work.

It mostly a discussion items.

Unless you have input on what we should include in the plan.

>>: We'll see you at the June meeting.

Any other discussion otherwise? We'll take a five minute break to enable us to go into executive session.

>>: We need to do a vote on that.

>>: No vote on this.

It was discussion.

>>: No, no, I suggest we discuss for one minute when our next meeting will be.

Then we will make the formal resolution to go into executive session and then we can shut down the tape because we won't be coming back,

since we are not going to take any votes some executive sessionment can we talk about next meeting dates? >>: June 12?

>>: Take's my current proposal is Thursday, June 12.

>>: I can't do anything past Wednesday.

I'm not going to be around.

>>: You can't do anything past Wednesday the 11th?

>>: Tuesday is hard before.

>>: Can we do it the week before?

>>: The following week is the --

>>: Chautauqua Wa.

>>: I don't know mind --

You're not going to the conference?

We can meet in Albany in Wednesday?

>>: What is the date?

>>: How about Thursday, the 19th?

>>: Can we do it tentatively and I can check when I go back to work?

>>: Nineteenth of June?

>>: The 19th?

>>: When is the conference shut down?

>>: Eighteenth.

>>: Sixteenth through the 18th.

>>: Do they shut down in the morning?

Do a breakfast in the morning?

It's a travel date? If we met at noon on the 18th, that would work?

>>: Not here.

>>: Five hour drive.

>>: It depend.

It's almost a six hour trip from chough Tahoe qua.

>>: We are leaving at ten?

How are you driving?

Are you driving?

>>: I'm not going.

Ink leave at 12.

>>: We can always meet at 2, though, right?

Wednesday at 2?

(Overlapping speakers).

>>: Wednesday at 2?

>>: If you want to meet on the 11th, I'm having family at my house.

(Overlapping speakers).

>>: I have a major court date.

>>: Doesn't sound like we could do it before to be fair to traveling.

>>: Do it the 19th?

19th at noon?

>>: I'm not going to Chautauqua doing let's tentatively say the 19th at noon.

If we.

>>: My motion is to go into executive session to discuss cyber litigation strategy and then personnel matters and assignments.

>>: May I address the meeting for one minute?

>>: One minute.

>>: One minute.

>>: One minute.

I'm Susan Cohen, a disability advocate.

A lot of you know me.

I haven't had the honor to meet you, Mr.

Walsh.

I wanted to bring up a discussion hopefully for the June meeting.

There is some confusion among the Commissioners regarding whether the ballots, the folks are going to be counted on the p ballot marks devices the night of the election or affidavit ballot.

We are concerned the disability community is going to be upset if those ballots are not counted the night of the election.

You put so much effort and money into a voting machine at every polling place and that's who counts the votes the night of the -- Not to count the votes the night of the election is disheartening.

A lot of people work very hard to get to the polling places.

We are asking you --  
The Commissioners are confused on this.

We are asking for clarification and discussion to make sure everybody --

>>: I'm glad you raised the issue.

I have been publicly saying that these ballots should be treated as emergency ballots and canvassed on the night of the election.

But you're correct that we are obligated under the statute to write procedures and those procedures haven't been drafted.

That's a good point.

If Allison and Paul can work on getting that draft together for the June meeting.

>>: The 2007 procedure is out there, but it doesn't sunset

until you change it.

>>: Right.

It says absentee in that procedure.

Of course, that was written when people were not voting at their home poll site where they would be expected to sign into the books.

Now that they are voting at their home poll site their ballot should go into an emergency ballot box and should be canvassed in my view.

>>: I appreciate that.

There are Commissioners, however, who have been telling us otherwise.

So I believe they are --

>>: That's why we have to write this out.

>>: Nobody is sure right now how long this procedure is going to take.

And when they are used to doing absentees and affidavit things that are confused, they have seven days to do it.

I think that this is going to have to be something that is discussed with the Commissioners on the job.

As to what they think it is going to

take. No one can say that right now.

>>: Paul I'm sure has been getting the same calls I have been getting from the Commissioners on the same issue.

The concern is the number of how many voters they will have on the ballot marking devices on the night of an election is a complete unknown.

They don't know if it's going to be two.

They don't know if it's going to be 100.

They are concerned simply about having the resources there to count them.

I do agree that it's a good idea to look into this and get some



sort of board position if we can, if it seems feasible.

But I think it's going to --

We have to understand that this is another one of those issues where it's kind of a county by county issue.

>>: I feel there's an integrity issue.

People come out to vote and they go to the polling place, their ballot should be counted that night.

I don't care if you stay until 3 in the morning.

I was an inspector for many years.

Absentee ballots were counted at the poll.

And your E D always in New York City.

>>: That's not the same.

>>: These people come out --

>>: There is a chain of custody issue.

If the absentee ballots go out to the poll site, the law requires that they be canvassed at the poll site because of the chain of custody issue.

You add a new dimension of chain of custody problems if you don't canvass the ballot on election night.

Besides the, just the general issue that those ballots should be treated in the same manner as votes on the machine.

Otherwise you are discriminating in some way against those who are using the ballot marking devices instead of the voting machine.

>> JIM: One of the issues --  
302nds on top of your minute.

Okay.

>>: I do believe the community as I have spoken to them, those of us aware of it are getting very --

>>: We understand you.

We heard you.

Thanks.

>>: I don't know the right word and I don't want to open any HAVA complaints or any more challenges than you already faced, but I know the community will take this very seriously.

>>: It's good that you raised it.

>>: I think you have very strong support here and you have --  
Your time was well spent.

Stone.

>>: Who do you represent, Susan?

>>: I am a disability advocate.

I represent myself.

I am affiliated with a coalition called voters concerned with voter access.

>>: Thank you.

>>: We need a vote on the executive session motion.

I made the motion.

>>: Second?

>>: Second.

>>: All in favor.

(All members responded "aye.")

**>>: Five min, we'll go into executive session.**