

Approved

**Minutes of The New York State Board of Elections
Monday, May 22, 2006**

The meeting of the New York State Board of Canvassers was called to order at 12:30 p.m. at the New York State Board of Elections, 40 Steuben Street, Albany, New York. Canvassers present were Co-Chairman Neil Kelleher, Co-Chairman Douglas Kellner, Commissioners Evelyn Aquila and Helena Donohue. Staff present were: Peter Kosinski, Stanley Zalen Lee Daghlian Anna Svizzero Allison Carr, Deirdre Hammer, George Stanton Pat Murray, and William McCann. Guest list is attached.

Minutes of May 3, 2006 - approved as amended.

Unit Updates:

- **Legal Unit:** - Pat Murray reported that we are currently waiting for the federal judge to sign the Order on the HAVA lawsuit by the Department of Justice (DOJ), and that the pre-clearance of this Plan would take effect within 48 hours after the signing.
She also reported that the felon disenfranchisement case is basically finished. The Court declared that the statute in our election law regarding felons losing their rights to vote is constitutional, but it was remanded to district court on another issue.
Pat also reported that a new case has been filed in state court by political leaders in Albany County deeming Election Law Section 2-126, which prohibits party committee money from being spent in a primary election, to be unconstitutional.
- **Election Operations:** Anna Svizzero reported that testing for all four vendors for Plan B has been finished. The testing was held at the Western Turnpike Golf Facility in the main building in the town of Guilderland over a two week period. Selections will be made by all counties from those four choices. Commissioner Aquila praised everyone involved in getting through this testing process and that it's time to finish this up. She stated that 30 minutes to cast a vote is much too long. However, it was moved by Commissioner Kellner to approve the testing and results process. Approved 4-0.
There was discussion about Todd Valentine and Pat Murray to review procedures in the handling of the ballots produced by these machines and whether the ballots are to be handled as special ballots or not.
Also discussed was the need for usability reports from the vendors on machines for Plan A, to include the number of voters that can vote per machines during this election cycle. We need to have data three weeks before the counties can choose their machines. Anna also reported that we have one application for Plan A certification from Avante and that the Office of General Services (OGS) has sent out a request for interest for the Plan A machines.
- **NVRA/PIO:** Lee Daghlian introduced Deidre Hammer whose first day on the job was today. Deidre fills the slot that Tim Mattice held and Lee welcomed her to the Board. Lee also reported that the media guide that is produced on even years is completed but not printed because it will be posted on the web site to save costs.
Lee reported that the Train the Trainer program seems to be going well, with the last one on May 24th in New York City. Our reports indicate good attendance and worth being there. Lastly, Lee introduced the polling site plan devised by a committee made up of Bob Brehm, Bill McCann, Michael Johnson and himself. The plan is devised to facilitate the appropriate spending and reporting of the federal funds available for polling place accessibility and also 5 million dollars of state funds for that purpose along with federal funds for voter outreach and poll worker training. The plan was submitted with the details to be worked out in time for the county

commissioner's to review and further questions asked at their late June conference in Alexandria Bay. Commissioner Aquila moved that we go ahead and the vote was 4-0. The Commissioners thanked the team for their work.

- **ITU:** George Stanton reported that the policy and standards committee had on a couple of occasions recently on the standards for the NYSVoterOne, they basically finished that process that everyone agree about what changes will have to be made by some counties, but there is still a question from the counties about who pays for these changes that need to be made. Commissioner Kellner states that we should pay for these changes but we need to know what specific changes need to be done in each county, as well as the specific costs ahead of time. There was discussion on how to handle the issue, but everyone agreed that we should pay reasonable expenses and we need to agree on what is considered reasonable. George said he would take care of that and report to the Board what he considers reasonable. He also stated that we need to know all of this by July 1st, 2006. George stated that they are doing county matching to clean up the lists and matching duplicates. He also said that there was a pre-bid conference for NYS Voter Two today, prior to this board meeting, at a downtown hotel in Albany. There was a question and answer session that went very well. He felt that they would probably get between 3-6 proposals from vendors for NYS Voter Two.
- **Campaign Finance:** Bill McCann announced that the local filing operation is going into Phase Two which involves contacting the county boards to track people who should be filing and did not. Phase three and four of that process is to match new candidates coming on board with those who should file and continue that to the phase of penalty if necessary. Bill also reported that staffing for campaign finance is almost completed and that the reconfiguration on the 3rd floor to create more space is finished.
- **Old Business :** Pat Murray stated that she needed to have a new certification for the machine regulations because an error had been made on the old one. She had a new certification already prepared to have the Commissioners sign. The certification was signed and approved by the commissioners.
- **New Business :** Database regulations were given to the Commissioners. It was moved by Commissioner Kellner to post them on our web site and to also do the paper work to begin the 45 day comment period. The vote was 4-0 to approve. There is a need to do regulations to determine what constitutes a vote. Commissioner Kellner stated that he's viewed the State of Virginia's list of how to mis-mark a ballot and that he thinks it would be very useful for us. These regulations will be written by our counsel.

The meeting was adjourned at 1:15p.m. with the agreement that the next meeting be scheduled for Noon on June 5th, 2006 in Albany, New York.