

Approved

**Minutes of The New York State Board of Elections
Thursday, July 13, 2006**

The regular meeting of the State Board of Elections was called to order at 10:45 a.m. at the New York State Board of Elections, 40 Steuben Street, Albany, New York. The meeting was chaired by Commissioner Kelleher. Commissioners present were Douglas Kellner, Evelyn Aquila and Helena Donohue. Staff present were: Peter Kosinski, Todd Valentine, Michael Johnson, Lee Daghlian, George Stanton, William McCann, Allison Carr, Greg Fiozzo and Deirdre Hammer. Guest list is attached.

Minutes of June 5, 2006 - accepted as written

Unit Updates:

- **Legal Unit:** - Todd Valentine stated that the petition period is starting and that we will post on our web-site a Who Filed Report that indicates what petition, the candidate and the date filed.
Secondly, the Department of Justice (DOJ) federal court suit stipulates that we are to adopt the Plan A schedule on the 15th of August, 2006.
Thirdly, Todd explained the petition filing and petition checking procedures. With the absence of Anna Svizzero during this petition time and the fact that we have many new employees this year who are not familiar with our petition procedures; some of our long term employees will be expected to do double duty.
Pat Murray stated that we have been pre-cleared for the voting machine regulations by the DOJ by means of a judge's order.
Todd stated that the draft guidelines for counting ballot marking device ballots was completed and questioned whether they should be posted on the web. The Board agreed 4-0.
- **Election Operations:** Allison Carr reports for the Operations unit while Anna Svizzero is currently out on sick leave. Neil Kelleher extended on behalf of the State Board staff best wishes to Anna.
Allison reported that acceptance testing for Plan B is starting. The Populex machine was the first to come in and the testing is finished. ES&S will be delivered soon and she will set up and post a schedule of the machinery to be tested, along with the testing times and locations.
Allison met with the Office of General Services and the Board staff regarding contracting. They have decided they will conduct six meetings throughout the state with county boards starting next week. This is an informational tool for the county officials on what this contracting system will be like for the machines. Allison also stated that she has received eleven applications from seven vendors for Plan A machines, all accompanied with a check made out to the Board. This will basically start the process of certification. She also reported that bids for machines are due July 18th at OGS and that they will be open on the 19th. DRE's will be ES&S, Avante, Diebold, Liberty and Sequoia. Opti-Scan machines will be ES&S, Avante, Diebold and Sequoia. Commissioner Kellner suggested we post the applications on the Internet and that was approved 4-0 by the Board.

- **NVRA/PIO:** Lee reported that the final preparations for the state fair such as the scheduling of volunteers, the ordering of signs and other equipment, and all other arrangements that need to be made is currently in process. Regarding the county funds group, the two project jobs have been approved by the Department of Civil Service and the Division of Budget and they assume the job notice will be posted and those slots will hopefully be filled soon. He also stated that his unit is currently dealing with a very high paced volume of calls from the media and the public as we get closer to petitions and choosing candidates.
- **Campaign Finance:** Michael Johnson reported that the series of seminars around the state have been completed and thought they were very successful. He also reported that the unit is still receiving information from the counties for the database. This information will be used to match who filed versus who didn't file, therefore enabling them to commence the enforcement portion of campaign finance. He stated that they are interviewing for a campaign finance supervisory position.
- **ITU:** George Stanton reports that they are loading data files from all 62 counties. Most data is in excellent shape and some needs to be cleaned up a little bit. The daily updates will be starting July 13, 2006. There were a few issues with vendors, however, all those issues have been corrected. The unit's help desk has been very busy with phone calls which are mostly from local filers. Also, the Request For Proposal's (RFP) are in and we will be starting an evaluation process on Monday for the database construction on July 27th. There will be an oral presentation by the vendors and soon after that we will elect a contract.
- **Old Business :** Allison Carr reports that the proposal for acceptance testing for Plan A machines was approved 4-0 by the Board. The usability study is to decide the number of voters that should be limited to each machine is going to be a very costly study, somewhere near the \$100,000 range. Commissioner Kellner stated that we could spend half a million dollars if justified, but we need to proceed and finish this for the counties. He also cautioned that we have to very careful and be assured that the testing is being done properly. He asked if the testing shouldn't be CYBER's responsibility and pass it on to the vendors. In reference to usability studies, Peter Kosinski stated that it's difficult to find testing labs or vendors to do the job. But per Commissioner Kellner, this is a priority and we need to get the job done. Commissioner Aquila asked that in light of the fact of Region 4's letter Re: 800 numbers per machines; are we going to make that the number since it is already in the State law?
- **New Business :** George Stanton's memo to the Commissioners regarding HAVA database action items: George stated that he needs permission to act on the enclosed five items in the memo.
 1. After some discussion, the Commissioners voted 4-0 to approve the expenditure of \$111,142.00 for hardware and services for setting up the VPN (see attached memo).
 2. The Commissioners approved 4-0 for the expenditures required for new Internet fiber connectivity. (See attached memo)
 3. The Commissioners approved 4-0 to approve payment to NTS Data Services for modifications to their election management software (see attached memo).
 4. There was substantial discussion about where to house the HAVA database. George recommended housing the initial database here at the State Board, and at a later date,

making other arrangements to possibly house it at an adequate county facility where we could house the back up database. After further discussion, the Commissioners voted 4-0 to go ahead with the first recommendation in housing the database at the State Board offices, and to discuss part 2 at a later date. (See attached memo).

5. Commissioners voted 4-0 to George's request of assistance from the Office of General Services in the hiring of a quality assurance vendor for NYSVOTER II. (See attached memo)

Lee Daghlian presented a newly designed FOIL form for the public to use in requesting electronic copies of the new database. Approval of the form was given by the Commissioners with a 4-0 vote with the caveat that no phone numbers be released. There was further discussion concerning what types of information should be included in the cd's sent to purchasers of the database. Peter Kosinski stated that these policy issues should be decided in the near future.

Commissioner Kellner requested a short review of the petition process that will be starting soon. Stan Zalen gave a synopsis and it was agreed that we would need the Commissioners to conduct hearings during the first week of August. The Commissioners agreed to meet on August 2, 2006.

Commissioner Kelleher adjourned the public session at 12:15 pm and commenced the Executive session to discuss cases.

CMP05-32 - closed

CMP06-32 - closed

CMP06-33 - closed

CMP06-38 - closed

The Board adjourned the Executive Session and the public session at 12:45pm.