

Approved

**Minutes of The New York State Board of Elections
August 2, 2006**

The regular meeting of the State Board of Elections was called to order at 12:35 p.m. at the New York State Board of Elections, 40 Steuben Street, Albany, New York. The meeting was chaired by Commissioner Kellner. Commissioners present were Neil Kelleher, Evelyn Aquila and Helena Donohue. Staff present were: Peter Kosinski, Stanley Zalen, Todd Valentine, Michael Johnson, Lee Daghlian, George Stanton, Allison Carr, and Deirdre Hammer. Guest list is attached.

Minutes of July 13, 2006 - amended

Unit Updates:

- **Legal Unit:** - Todd Valentine reported on the Avella case, regarding expenditures by parties in primary elections. There are two cases, federal and state, which don't quite coincide. The federal case was stayed for one year so that the legislature might change the law. The discussion continued as to whether we should appeal. Todd stated that decisions on both of these cases should be determined before the August 15th board meeting. Todd mentioned that we also have cases going on with petitions and that these cases would be discussed at a later date.
- **Election Operations:** Allison Carr reports for Anna Svizzero, who is still out with an illness. Allison reported that the acceptance testing for Plan B regarding ballot marking devices will be finished August 3, 2006 and that everything seemed to go very well. The Office of General Services (OGS) and the counties held their regional meetings around New York State to discuss contract issues with the Plan A machines, and Allison reported that these meetings went very well. Bids are in from six vendors and there will be six meetings to discuss the contractual items and the meetings should be finished by late August. We received a test package for CIBER and Bob Brehm and Allison will be going to Clifton Park in Saratoga County to look for a possible testing site. They will also post on our web site the application for Plan A voting system certifications. Part of the certification testing will include volume testing, which CIBER will probably sub out to another lab, **(AIR)**. This lab will submit a proposal after viewing the machines. Allison reported that the ballot drawing for the primary election was conducted on August 1, 2006 and provided the results to the staff. Allison stated that NYSTEC is planning a meeting to develop a draft for the purchasing and installation of Plan A machines. This draft is due in federal court on August 15.
- **NVRA/PIO:** Lee reported on the progress of the county funds project and that we will be interviewing more staff. Lee also reported on the nearly completed tasks for the state fair and he thanked Commissioner Donohue along with her husband, and also all staff from the Board who have volunteered their time to work the booth this year.

- Campaign Finance:** Michael Johnson reported that they were very busy with the July campaign finance filings. Several issues arose from county filers requesting exemptions; stating their computers are not compatible with our system and wish to file on paper. Michael suggested a possible web based system would be a solution and will discuss this in more detail with our ITU unit.

The Campaign Finance unit head position has not been filled yet and Michael stated that they are still looking and will report on this at a later date.
- ITU:** George Stanton reported that his unit, along with the call center, has been extremely busy with NYSVoter1 and campaign finance filings and continue to get database updates from the counties on a daily basis. George states that they are in the process of completing a second voter registration duplicate check now.

George also reported that they are evaluating the proposal for NYSVoter1 for two vendors. The vendors completed their orals and made a selection. George asked the Board commissioners to approve that selection but added that they can't share with the Commissioners who that is. George said that OGS stipulated that this information cannot be shared due to the new lobbying laws. Commissioner Kellner remarked that they can't vote on this issue until all the details are known. All of the Commissioners agreed with Mr. Kellner. George stated that he and his staff will discuss this issue with OGS and bring it up at the next board meeting.
- Old Business :** Todd Valentine reported that he has received comments from the New York City Board of Elections as well as the New York State Citizens Union on the proposed guidelines for the counting Ballot Marking Device ballots. They didn't make any substantive changes after reviewing our guidelines; and presented their document to the Board for a vote. The guidelines were approved with a 4-0 vote.

The next item was the guideline for database regulations. Todd reported that the comment period on the guidelines ended on August 6, 2006 and the draft on these guidelines would be completed in time for our next board meeting on August 15, 2006.

Commissioner Aquila discussed the pamphlet written on the guidelines by the Election Assistance Commission, which was handed out at the last board meeting; and she feels that we should make this pamphlet available.

At this time, petitions along with a report on the results of the petition hearings and a document listing petition Prima Facie review were presented to the Commissioners for a vote. All recommendations made by the NYSBOE staff were agreed upon by the Commissioners with a 4-0 vote. A copy of the hearing calendar and the Prima Facie Review sheet is attached.
- New Business :** none

Commissioner Kellner adjourned the General Session at 1:57 pm and commenced the Executive Session immediately to discuss cases and personnel matters.

The next meeting of the New York State Board of Elections is scheduled for August 15, 2005.

Preliminary Determination

CMP04-64 - tabled
CMP04-24 - tabled
CMP05-40 - tabled

Complaint Without Preliminary Determination

CMP05-05 - closed
CMP05-08 - closed
CMP05-12 - closed
CMP05-16 - closed
CMP05-35 - closed
CMP05-36 - closed

The Board adjourned the Executive Session and the General Session at 2:30pm.