

Approved

**Minutes of The New York State Board of Elections
August 15, 2006**

The regular meeting of the State Board of Elections was called to order at 12:15 p.m. at the New York State Board of Elections, 40 Steuben Street, Albany, New York. Commissioner Kelleher chaired the meeting. Commissioners present were Douglas Kellner, Evelyn Aquila and Helena Donohue. Staff present were: Peter Kosinski, Stanley Zalen, Todd Valentine, Michael Johnson, Lee Daghlian, George Stanton, Allison Carr, Pat Murray, Bill McCann and Deirdre Hammer. Guest list is attached.

Minutes of July 13, 2006 and August 2, 2006 - accepted as amended

Unit Updates:

- **Legal Unit:** - Todd Valentine reviewed all petition cases and reported that all court actions are complete with the exception of four cases which are still out on appeal. The certification of the ballot was completed and will be amended, if necessary, pending the outcome of the appeals.
- **Election Operations:** Allison Carr continues to report in the absence of Anna Svizzero. Allison reported that the proposals for the user rate study, to establish the number of voters per machine, were received from the University of Maryland and the American Institutes for Research (AIR). This memo is attached. Bob Brehm and Allison Carr felt that we should use AIR, but both proposals were ok. Peter Kosinski stated that he thinks that the University of Maryland has much more expertise in this field. After further discussion by the Commissioners regarding the costs of these surveys and proposals, there was a vote on this issue by the Commissioners and the vote was 4-0 to use AIR. Commissioner Kellner stated that it was important the county boards be advised that they should keep track of the number of voters who require assistance in each election district. He asked Allison and Bob to draft such a memo to the county boards. Commissioner Kellner suggested that the State Board's regulation concerning the number of voters per voting machine should use a bifurcated standard that accounts for election districts containing voters who can be expected to use those features for disabled voters that consume a longer time to vote. Allison's next order of business was the NYSTEC proposal for the certification of machines and stated that it needs to be adapted to our time line proposal. NYSTEC and CIBER will work together to incorporate our time line into their process, which we will then report the time line to the Department of Justice. Commissioner Kellner made a further point that this testing is unique to New York State and he feels that NYSTEC is qualified to do this work and that testing for security needs should be done confidentially. He moved to adopt NYSTEC's proposal and the Commissioners voted 4-0 to approve.

Thirdly, Allison reported that OGS has scheduled various meetings for bidders for the Plan A machines, with the last meeting being held on August 16, 2006. She also reported that we would soon have pricing information from the vendors. Commissioner Kellner asked about a memo to OGS regarding information flow to the advisory committee. We agreed to make the advisory committee a committee of the Board, and as a result of this,

the question arises, can this advisory committee view all data concerning certification, including the technical packages from the vendors? Mr. Kosinski stated that we need further guidance from OGS on what we should share with the general public as well as this advisory committee. It was moved that the advisory committee be considered a committee of the Board and the vote was 4-0 to approve.

- **NVRA/PIO:** Lee gave two reports. First report was on the state fair which begins in one week with setting up our booth on August 23, 2006. Lee thanked all the volunteers from our Board as well as various counties for their help in manning the booth this year.

He reported that the “county funds” group has had several interviews with candidates to fill two slots for this program. They have narrowed it down to two people who will be on staff for about a year and a half as Grade 18's to assist with this project. This additional staff should be in place around the 7th of September, 2006. Lee also reported that our system for responding to counties is being worked on and that it is running much smoother than it had in the past.

- **Campaign Finance:** Michael Johnson reported that his unit is still following up on the July campaign finance filings. They have encountered some compatibility problems with the local filers whose computers aren't compatible with our systems. He continues to look into a web based system and Commissioner Kellner asked him follow up on that. George Stanton also agrees with the idea of a web based system and feels we should hire a consultant to look into the best way to complete this project, to ensure that the web based system will be done properly and also be compatible with the New York City Campaign Finance Board system. Commissioner Kellner suggested that we need regulations for an interface for filing county reports and we should also find out which counties enforce or do not enforce the filing regulations so that we can have a more accurate picture. We should try to do regulations on what the filing process should be. Mr. Kosinski agreed that we should handle all the enforcement. There was additional discussion and the Commissioners suggested that we address this issue at the next Election Commissioner's Winter Conference in January 2007.

- **ITU:** George Stanton reported they are doing all they can to support the petition and Electronic Filing System (EFS) process. They have also been very busy with phone calls. George reported that NYS VOTER I information will not be put on the county portal and they continue to work on duplicate processing. They are also starting to process requests for data from the public. George stated that “RoadRunner” should be installed sometime in October. The VPN hardware is in. We will contract to do the set up soon. The proposal from Gartner and OGS for getting the NYS VOTER II done. A motion was made to hire SABER Systems as the integrator for the database. The vote was 4-0 to approve. There was some discussion by Commissioner Kellner about privacy issues and the statewide database, and that we should ensure that the database isn't being used for commercial purposes.

- **Old Business :** Database regulations: regulations are attached and need to be approved. Commissioner Kellner stated that the DOJ and the HAVA coalition made comments. Some of the proposed changes were incorporated, but there was very little change. Some of the recommendations that they made were already in statute. There was discussion of

felon voting issues and how that should be handled in the database. There should be some indication about when felons can re-register to vote. Mr. Kosinski said we should start with the county boards and see how they would like to handle this. After a lengthy discussion the regulations were approved by a vote of 4-0.

- **New Business** : Commissioner Kellner spoke about the very ambitious time line for certification. If someone doesn't hold up their end, whether it be us, or a vendor, or a contractor, we may not meet this time line. We should make every effort to meet it. The Commissioners congratulated all the staff for the tremendous amount of work that has been done to complete this time line. The time line was approved 4-0.

The next meeting of the Board will be September 6th, 2006 at Noon.

Commissioner Kellner adjourned the General Session at 1:50 pm and immediately commenced the Executive Session to discuss cases and personnel matters.

Preliminary Determination

CMP04-64 - closed

CMP04-24 - closed

CMP05-40 - closed

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 2:20pm.