

Approved December 6, 2008

**Minutes of the New York State Board of Elections
September 17, 2008**

The meeting of the Commissioners of the New York State Board of Elections held at the offices of the New York State Board of Elections, 40 Steuben Street, Albany, New York in the 4th Floor Conference Room and was called to order at 12:00 p.m. The meeting was chaired by Commissioner James Walsh. Commissioners present were Douglas Kellner, Evelyn Aquila and Gregory Peterson. Staff members present were: Stanley Zalen, Todd Valentine, Kim Galvin, Paul Collins, Elizabeth Hogan, Anna Svizzero, William McCann, Robert Brehm, Patrick Campion and Gregory Fiozzo. The guest list is attached.

Commissioner Walsh was not at the last meeting and memorialized his friendship with former Commissioner Kelleher.

Unit Updates:

Executive – Todd Valentine briefly discussed a meeting held yesterday to review the status of the statewide voter registration list and the voting system certification testing effort. The meeting was attended by staff members from the State Board, Mr. Brian Heffernan of the US Department of Justice, Mr. Jeff Devorin of the NYS AG's office, the voting system vendors and our testing consultants, SysTest and NYSTEC. Mr. Valentine also briefly discussed the FY 2009/2010 budget submission.

Legal – Kim Galvin reported on several issues.

- Ms. Galvin briefly discussed the meeting that was referenced by Mr. Valentine, relating to the statewide voter registration list and the status of voting system certification testing for LOT 1.
- There are also three independent petition cases the unit is working on.

Election Operations – Anna Svizzero reported that the Election Operations unit is working on several ongoing issues including:

- Compiling election results from the primary which will be certified on the 29th of September.
- Official Roll Calls are being prepared and distributed for State Committee meetings and upcoming judicial conventions.
- There was a discussion on the summary of the data from the counties concerning the use of the BMD's on Primary Day. We had 3,350 units in place at the Primary and 1,333 people voted on them.

PIO/NVRA – Robert Brehm reported on several ongoing projects in the PIO/NVRA unit.

- The www.Vote-NY.com website is up and running.
- The training videos and manuals are completed. They are also working on an off-line CD copy of the training videos for use by county boards of elections when conducting local training and education programs.
- Update on the county HAVA funds grant programs.
- Processing a large amount of voter registration applications, with 17,000 applications received in September.

Campaign Finance - Elizabeth Hogan reported on several ongoing projects in Campaign Finance and Enforcement:

- The unit is busy with the intake and processing pre and post primary day campaign filings.
- There was a discussion concerning the canvass list for new hires.
- An updated was provided on the status of the 2006 and 2007 Over Contribution Audit.

ITU - No report.

Old Business: **None**

New Business:

- Commissioner Aquila and Bob Brehm spoke at great length about their experience on Primary Day in New York City and Nassau County.
- Kim Galvin and Paul Collins reviewed four staff recommendations concerning the following petitions issues:
 - Hearing Determination –
 - 118th AD – Howie Hawkins, independent nominating petition for the Green Populist Party – staff recommendation is to overrule the objection; this would result in a valid nomination.
 - 59th SD - Kathy Konst, independent nominating petition for the Integrity Party – staff recommendation is to overrule the objection; this would result in a valid nomination.
 - 19th CD – Kieran M. Lalor, independent nominating petition for the Energy Security Now Party – staff recommendation is to overrule the objection; this would result in a valid nomination.
 - Primae Facie Determination –
 - President – Charles Kennedy, independent nominating petition for The Critical Party – staff recommendation that the 1-page petition is insufficient; this would invalidate the nomination of Mr. Kennedy.

- **The vote on the motion to accept the staff recommendation on the three hearing determinations and the one prima facie petition issue was 4-0 to accept the recommendation of the staff. (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- The next board meeting was scheduled for October 7th.
- Commissioner Kellner made a motion to go into executive session to discuss litigation. Commissioner Aquila seconded the motion. **The vote on the motion to go into executive session was 4-0 in the affirmative. (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- **The meeting was adjourned to Executive Session at 1:15 p.m. Back into regular session at 2 p.m. to adjourn meeting.**