

**Approved**

**Minutes of The New York State Board of Elections  
September 26, 2006**

The regular meeting of the State Board of Elections was called to order at 12:10 p.m. at the New York State Board of Elections, 40 Steuben Street, Albany, New York. Commissioner Kellner chaired the meeting. Commissioners present were Neil Kelleher, Evelyn Aquila, Helena Donohue, and staff present were: Peter Kosinski, Stanley Zalen, Todd Valentine, Michael Johnson, Lee Daghlian, Bob Brehm, Anna Svizzero, George Stanton, Allison Carr, Pat Murray, Bill McCann and Deirdre Hammer. Guest list is attached.

**Minutes of August 15 and September 6, 2006** -tabled

**Unit Updates:**

- **Legal Unit:** - Todd Valentine reported that the update for the Justice Department on HAVA activities is due this week. There will be a new time line that will be sent. Commissioner Kelleher stated that he approves the update and that he feels it's important that we keep DOJ updated and Todd agreed. Also, there was an objection hearing for one independent petition. The hearing determination is attached. Todd's recommendation was to invalidate and the Commissioners agreed 4-0.
  
- **Election Operations:** Anna Svizzero reported that they are processing the Supreme Court nominations made by the judicial nominating conventions. Anna has attached schedules for the technical data packets and documentation from vendors. That report is self explanatory. Anna reported that the deadline for vendors to deliver required information on technical data for the testing of the machines has not been met by many vendors. She recommends that the date for compliance be changed from September 29 to October 6, 2006. Allison Carr stated that the labs can wait for some machines if the vendor can't send them all by September 29, 2006. Anna stated that all vendors are missing some information and feels that we should hold to the deadline. CYBER will report to us today with their information. Commissioner Kellner feels we should give them an extra week. The Commissioners feel we should inform DOJ in our update report which vendors have complied completely and which vendors have not. We will go with what we have, but we will ask the vendors to have at least three machines here by October 6 so that the initial testing can move on. Those vendors who have made an adequate submission by the October 6 deadline would be given priority in certification testing; the remaining vendors who have not made a sufficient submission by the deadline would have their equipment tested by the Board's consultants when time is available. Commissioner Kellner so moved and all agreed.

Anna reported that one vendor wants to be certified to sell only to those counties that did not require additional languages. There was some discussion about this and the consensus was that we would permit certification limited to counties that are not required

to provide multiple languages.

Anna produced for approval a working draft for the security testing for us to sign off on for CYBER and NYSTEC. Anna will send it to the Commissioners for their signatures. Also a new time line was submitted by Anna to move the machine purchase deadline for the counties to January 5<sup>th</sup>, 2007. That date was the principle change and that was accepted by a 4-0 vote by the Commissioners.

- **NVRA/PIO:** Lee Daghlian reported on the progress of the county funds group. The two new employees are doing extremely well and almost all the counties have reported to us, although there are a few counties that haven't responded to our repeated requests. The normal business of answering phones continues to increase the closer we get to the election on November 7, 2006
- **Campaign Finance:** Michael Johnson reported that his unit met with the ITU unit for the second time to consider creation of a web based filing system. They will continue working to develop a plan early next year. Bill McCann introduced Andrew Blank, a law student who is assisting us with cases. Commissioner Kelleher commented that it appears that backlog of cases in the unit has been significantly reduced and is now under control.
- **ITU:** George Stanton presented a memo regarding the progress with NYS VOTER'S I and II (attached). He reports that the current system that checks for duplicates is going extremely well. The counties are using the portal to get into the system to check for duplicates. The systems for driver id and social security checks have just come in and George will be setting that up soon. Also, the Saber contract for NYS VOTER II has been given to the Comptrollers office for approval and we should be hearing from them soon. George has also planned a kick-off for the Saber program on October 3rd at the Nurses Association Auditorium in Niskayuna, provided the contract is approved by the Comptrollers office. Gartner is going over the staffing requirements for NYS VOTER II. The VPN installation has started and the fiber optic cable is being installed in the building which will hopefully be completed in October. George has 4 action items ready to go which is described in his memo that is attached. At this time Anna stated that we will provide support to Albany County for the opti-scan absentee. Commissioner Aquila stated that these machines worked very well in New York City.
- **Old Business:** None
- **New Business:** None

The next meeting of the Commissioners was tentatively scheduled for October 25<sup>th</sup>, 2006 at Noon.

Commissioner Kellner adjourned the General Session at 1:00 pm and moved to go into Executive Session to discuss enforcement cases and personnel matters.

### **Preliminary Determination**

CMP05-07 - Closed  
CMP05-33 - Closed  
CMP05-37 - Closed  
CMP05-39 - Closed  
CMP05-49 - Closed  
CMP05-50 - Closed  
CMP05-69 - Closed  
CMP05-80 - Closed  
CMP06-02 - Closed  
CMP06-04 - Closed  
CMP06-08 - Closed  
CMP04-37 - Closed  
CMP04-46 - Closed  
CMP05-25 - Closed  
CMP05-42 - Closed

### **Complaint Without Preliminary Determination**

CMP05-49a - Closed/to Election Operations  
CMP06-07 - Closed  
CMP05-22 - Closed  
CMP05-41 - Closed  
CMP05-44 - Closed  
CMP05-45 - Closed  
CMP05-46 - Closed  
CMP05-51 - Closed  
CMP05-53 - Closed  
CMP05-63 - Closed  
CMP05-64 - Closed

### **Final Determination**

CMP03-36-SC05-01 - Closed  
CMP04-01-SC05-02 - Closed  
CMP04-29-SC06-01 - Closed/to DA

**The Board adjourned the Executive Session and the General Session at 1:05pm.**