

Approved December 6, 2008

**Minutes of the New York State Board of Elections
October 3, 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 Douglas Kellner. Commissioners present were James Walsh, Evelyn Aquila and Gregory Peterson. Staff members present were: Todd Valentine, Robert Brehm, Kim Galvin, Paul Collins, Elizabeth Hogan, Anna Svizzero, Pat Tracey, and Patrick Campion. The guest list is attached.

Minutes of the September 5, 2008 board meeting – Approved unanimously to accept as written (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).

Unit Updates:

Legal – Kim Galvin reported on several issues including:

- Monitoring the NYC HAVA complaint as well as the status of Lot 1 machine testing.
- The weekly telephone conference calls with Department of Justice are ongoing.
- There was a discussion on the status of independent petition cases and judicial nominating convention lawsuits that the unit is working on.

Executive – Todd Valentine and Robert Brehm reported on several issues including:

- There was a lengthy discussion concerning the budget reduction plan for FY 2008/2009 and the Agency budget submission for FY 2009/2010. It was decided that we will not move to the 5th floor, we will work to move the State Board's annual conference to the Albany area, and we will not staff an exhibit booth at the State Fair.
- Work is ongoing on the internal controls project.
- Commissioner Aquila inquired about the status of the staff efforts to update the State HAVA Plan, which was followed by a discussion.

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

- Twenty-seven certificates of nominations for the Supreme Court Justices have been received and processed in which 54 candidates were named.
- The ballot for the General Election was certified on the 29th of September.
- There was a discussion on the steps that county boards should implement to make sure all the BMD's are up and running on Election Day and that the inspectors are well informed on who may utilize ballot marking devices.

- The county boards are reporting how many extra BMD's they want to order which will help plan for testing and production time.
- The Agency is reviewing a draft report from the Comptroller's Office regarding absentee voting. A detailed response to follow.
- There was a lengthy discussion with the Commissioners concerning the testing process of the voting machines and what is being done to make sure it is completed in a timely fashion.
- Commissioner Kellner spoke about his concern that one of the candidates address is his business address not a residence. There was a consensus of the board that this should be corrected.

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

- During the month of September, approximately 31,000 voter registration applications and absentee ballot applications were received and processed for delivery to their respective county boards of election.
- The online Poll Worker Training Program portal was completed and login access information was transmitted to all county boards of elections.
- The modification of contract between the State Board and SOE received final approval. This is necessary to update the voter education web site to provide information in all required languages.
- Poll site surveys have now been received from all county boards and work continues on the county HAVA funds grant projects.
- Staff members met with representatives from DMV to review the procedures and make sure all registration applications are processed in a timely fashion.
- There was a lengthy discussion on NYSVoter and the audit that is ongoing.

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

- The unit is busy with the pre and post primary day campaign finance filing reports.
- There was a discussion concerning the canvass list for new hires which is moving forward.
- There was a lengthy discussion concerning the HAVA Complaint Procedure.
- Commissioner Kellner discussed his concern with the issues of local filers filing at the Board. There was a discussion on what needs to be done to accomplish this.

ITU – George Stanton reported on several issues, including:

- A technology plan needs to be filed by the end of the week with the CIO's office. George will need to know the needs of all of the units before he can submit a plan.
- George gave an update on the increased website activity leading up to the voter registration application deadline, which was followed by a discussion on efforts to ensure website access for the increased visitors as we lead up to election day and beyond.
- George gave an update on NYSVoter and the number of daily hits they are receiving on the web site.

Old Business: None

New Business:

- The Commissioners took action on several petition related rulings (list is attached):
 - The Commissioners considered a motion to accept the staff recommendation to reject the certificate of acceptance for Ronald Hobbs – President – thus invalidating the nomination: **Motion Approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
 - The second motion was to accept the staff’s recommendation that the specific objections received for the following four items are invalid, the certificate thus nominating the named individual as that parties candidate for the public office of Justice of the Supreme Court –
 - 4th Judicial District Conservative Party certificate of nomination, Robert J. Muller, et.al;
 - 5th Judicial District Independence Party certificate of nomination, Thomas J. Cerio, et. al;
 - 5th Judicial District Democratic Party certificate of nomination, David J. Murad, et. al;
 - 5th Judicial District Working Families Party certificate of nomination, David J. Murad, et. al;
 - **Motion approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
 - The third motion was to accept the staff’s recommendation that the objections received against the 3rd Judicial District Working Families Party certificate of nomination of Patrick J. McGrath as that party’s candidate is overruled and that the nomination remains valid. **The motion failed (Commissioners Kellner and Aquila voting Yes; Commissioners Walsh and Peterson voting No – 2 Yes and 2 No).**
- The Commissioners then considered a resolution to approve the filling and funding of three (3) additional project assistance positions in the Election Operations Unit and the corresponding funding from the Federal Special Revenue Funds-Federal/State Operations Grant Fund – 290 HAVA Implementation Account, not to exceed \$305,000. A copy of the Resolution is attached.
 - **Motion approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

The next board meeting was tentatively scheduled for Thursday, November the 6th.

The meeting was adjourned at 1:42 PM.