

Approved November 29, 2007

**Minutes of The New York State Board of Elections  
Tuesday, October 16, 2007**

The meeting of the Commissioners of the New York State Board of Elections was held at the Board's offices at 40 Steuben Street, Albany, New York in the 4<sup>th</sup> Floor Conference Room. The meeting was called to order at 12:05p.m. The meeting was chaired by Commissioner Neil Kelleher. Also, present were Commissioners Douglas Kellner, Evelyn Aquila and Helena Moses Donohue. Staff present were Peter Kosinski, Stanley Zalen, Todd Valentine, Elizabeth Hogan, Paul Collins, Anna Svizzero, Lee Daghlian, Bob Brehm, Allison Carr, George Stanton, Pat Tracey and Deirdre Hammer. The guest list is attached.

**Minutes of the September 20, 2007 - tabled until next meeting**

**Unit Updates:** were given in the order that is listed on the agenda. All reports were done orally. The only votes taken on any issues discussed in the unit update section were as follows:

**Legal - Todd Valentine**

The Appellate Division ruled that New York State Election Law Article 7-104 was unconstitutional as applied to this case regarding the format of the ballot for the contests in the 9<sup>th</sup> Judicial District. After discussion, it was agreed not to appeal to a higher court.

An objection was received concerning delegates and alternates in the 104<sup>th</sup> Assembly District in the 3<sup>rd</sup> JD . After discussion, motion was made by Commissioner Kellner to reject the objection, **the vote was 4-0 to approve the motion.**

**ITU - George Stanton**

Requested that the Commissioners approve an order from NTS for \$19,545.00 to build the applications and their software that we need to get the polling place information for our polling site web interface. The Steering Committee has approved this. **The Commissioners voted 4-0 to approve.**

• **Old Business:**

Commissioner Kellner requested that a copy of the proposed resolution to establish a policy regarding waiver of certain certification testing fees for open source software. There was no opposition to the request.

**New Business:**

Commissioner Kellner proposed that counsel send a letter to the Onondaga commissioners advising them that Chapter 506 of the Laws of 2007 requires that there be at least one location with ballot marking devices. **The motion was adopted by a vote of 4-0.**

Anna Svizzero requested that the Board formally approve publication of the RFP to procure voting systems or ballot marking devices by the Office of General Services. **The Commissioners approved by a vote of 4-0.**

Commissioner Kellner discussed the September 24, 2007 letter from the Advisory Council on Procurement lobbying and requested that board counsel provide advice to the commissioners concerning their compliance with the Procurement Lobbying Law.

Peter Kosinski discussed the request of the Office of General Services that the Board designate persons with authority to sign-off for the Board at vendor contract negotiations.

Pat Tracey presented a side letter to Budget for the 08-09 budget was submitted to the board for approval. **It was so moved and the vote was 4-0 to approve.**

**It was decided that the next board meeting would be held on Wednesday, November 7, 2007.** At 2:00 pm adjourned to Executive Session to discuss cases. The Commissioners returned at 2:25pm and voted on those cases per attached.

**Preliminary Determination**

CMP05-54 - Closed - **Vote was 4-0**

CMP05-59 - Table - **Vote was 4-0**

CMP05-82 - Closed - **Vote was 4-0**

CMP05-85 - Closed - **Vote was 4-0** The Commissioners requested to see letter before being sent out.

**The meeting was adjourned at 2:35p.m.**