

>>: CALL THE BOARD OF ELECTIONS MEETING TO ORDER AND I GUESS WE ARE

GOING TO START --

LET'S HAVE IDENTIFICATION, STARTING WITH THE GENTLEMAN ON MY RIGHT.

>> DOUGLAS KELLNER: I'M DOUGLAS KELLNER, CO-CHAIR OF THE STATE BOARD.

>> EVELYN AQUILA: LYNN, COMMISSIONER.

>> ELIZABETH HOGAN: LIZ HOGAN.

>>: GEORGE STANTON.

>>: BOB BREHM.

>>: LEE DAGHLIAN.

>>: PAT TRACY.

>>: ANNA SVIZZERO.

>>: PAUL COLLINS

>>: STANLEY ZALEN.

>>: ALLISON CARR.

>>: TODD VALENTINE.

>>: PETER KOSINSKI.

>> HELENA MOSES DONOHUE: HELENA DONOHUE.

>> NEIL KELLEHER: COMMISSIONER NEIL KELLEHER.

NOW, OVER HERE.

>>: --

>>: STATE INDEPENDENT LIVING COUNSEL.

>>: BUCK JONES, PREMIERE SOLUTIONS.

>>: GEORGE --

>> NEIL KELLEHER: THANK YOU VERY MUCH.

WE WILL BEGIN WITH MINUTES OF SEPTEMBER 20.

>> DOUGLAS KELLNER: I ASK THAT WE LAY THE MINUTES OVER FOR ANOTHER MEETING AND I WILL PROPOSE AMENDMENTS.

>> NEIL KELLEHER: ANY OBJECTION?

IF NOT, SO ORDERED.

**AND BEGINNING WITH THE UNIT UPDATES.**

**LEGAL, TODD VALENTINE.**

>> TODD VALENTINE: SEVERAL THINGS.

WE CAN BRING THIS UP ON NEW BUSINESS.

WE HAVE A POSSIBLE APPEAL THAT THE BOARD NEEDS TO CONSIDER.

THAT DECISION CAME IN THIS MORNING.

IT HASN'T BEEN CIRCULATED YET IN THE NINTH JUDICIAL DISTRICT.

IT'S AN APPLIED CHALLENGE TO BALLOT POSITIONS.

IN THIS CASE IT'S A CANDIDATE WHO HAD MULTIPLE PARTY LINES WHERE

HIS INDEPENDENT LINE HAD TO BE COMBINED WITH ONE OF THE PARTY LINES.

AND HE BROUGHT A CHALLENGE TO THAT.

AND THE COURT AGREED WITH HIM.

AND AS APPLIED, RULED THE STATUTE UNCONSTITUTIONAL AND IS ORDERING

US TO CERTIFY THE BALLOT WITH A SEPARATE, WITH THE NOT COMBINED

WITH THE PARTY LINES.

I HAVE CONTACTED THE ATTORNEY GENERAL'S OFFICE BECAUSE THEY  
CHOSE,

THEY HAD BEEN NOTIFIED OF THE CASE AND CHOSE NOT TO INTERVENE  
AT THE

LOWER COURT.

WE WERE THERE AS WELL AS ALL THE COUNTY ATTORNEYS IN THE  
NINTH

JUDICIAL DISTRICT.

EVERYBODY FILED PAPERS AND THE AG TYPICALLY DOESN'T INTERVENE  
AT

THAT LEVEL ANYWAY.

THEY ARE DECIDING THAT NOW AND THE BOARD HAS TO DECIDE  
WHETHER

THEY WILL FILE AN APPEAL OR NOT.

AGAIN, IT'S AS AN APPLIED CHALLENGE IN THE LOWER COURT.

I DON'T KNOW IF YOU WANT TO DO IT LYNN.

>> EVELYN AQUILA: COULD YOU CLARIFY ONE THING FOR ME?

DOES IT SAY THAT THEY WILL GET A LINE IF IT'S AVAILABLE?

IF THERE'S ROOM ON THE BALLOT OR ELSE IT WILL BE PUT TO THE SIDE?

IS THAT WHAT THEY ARE SAYING?

LINE F WAS AVAILABLE SO IT WAS ABSURD NOT TO PUT THEM ON THERE?

>> DOUGLAS KELLNER: I THINK THAT'S A FAIR READING OF THE CASE.

THERE WERE TWO OTHER CANDIDATES ON THE LINE AND THIS MADE IT  
AN

EMPTY BOX WHERE THIS CANDIDATE'S NAME COULD HAVE FIT IN.

IT WASN'T FOR CONVENIENCE OF THE BALLOT.

IT WAS ADHERENCE TO THE STATUTE, WHICH IS OUR NORMAL  
PROCEDURE AND

THE COURT ADMITTED THAT.

WE WERE JUST FOLLOWING PROCEDURE.

>> EVELYN AQUILA: IT IS NOT GIVING THE RIGHT TO LIFE A LINE.

IT IS SAYING WHEN THERE IS SPACE, INDEPENDENT BODIES SHOULD BE  
GIVEN A LINE?

>> DOUGLAS KELLNER: THAT'S NOT THE HOLDING OF THE CASE.

SEVEN-104, THE STATUTE SAYS THAT IF YOU HAVE A MAJOR PARTY  
NOMINATION

AND A NOMINATION BY AN INDEPENDENT BODY THAT YOU ONLY GET  
ONE LINE AND

ON THAT LINE IT WILL INDICATE BOTH THE NAME OF THE MAJOR PARTY  
AND THE

INDEPENDENT BODY.

SO NOW, IN THIS CASE THE RIGHT TO LIFE PARTY, WHICH WAS THE  
INDEPENDENT

BODY, ALSO HAD NOMINEES FOR OTHER OFFICES.

SO BY NOT LISTING THIS CANDIDATE TWICE ON THE BALLOT, IT WAS NOT  
CLEAR

THAT HE HAD THE RIGHT TO LIFE NOMINATION, OR NOT AS CLEAR AS IT  
WOULD

HAVE BEEN IF HE WERE LISTED TWICE IN THE SAME ROW AS THE RIGHT  
TO LIFE

PARTY BECAUSE THE ONLY WAY YOU WOULD KNOW HE HAD THE RIGHT  
TO LIFE

DESIGNATION WAS IN THE BOX --

I THINK HE HAD THE REPUBLICAN LINE, WAS THE MAJOR LINE?

>> TODD VALENTINE: REPUBLICAN, CONSERVATIVE AND INDEPENDENT --

>> DOUGLAS KELLNER: OH, SO HE'S ON THE BALLOT THREE TIMES AND THIS

WOULD GIVE HIM A FOURTH LINE.

SO THAT'S THE LEGAL ISSUE.

AND AS TODD SAYS, THE BOARD WAS SIMPLY APPLYING THE STATUTE AS WRITTEN

AND THE COURT IS SAYING, WELL, IN THIS PARTICULAR CASE WE WOULD LEAVE A

BLANK IN THE ROW FOR THE INDEPENDENT BODY THAT THAT BLANK SHOULD BE

FILLED BY THE CANDIDATE, GIVING HIM THE FOURTH LISTING.

>> EVELYN AQUILA: OKAY, THAT'S WHAT I UNDERSTOOD, I THINK.

>> TODD VALENTINE: THAT'S THE ISSUE.

>> DOUGLAS KELLNER: OKAY.

WHAT ARE YOU PROPOSING?

YOU THINK WE SHOULD APPEAL OR NOT?

>> TODD VALENTINE: HMM, I'M NOT SURE, TO BE HONEST WITH YOU.

I MEAN, I'M NOT SURE THAT AN APPEAL WOULD BE SUCCESSFUL GIVEN THE

NARROWNESS OF HER INTERPRETATION OF THE STATUTE.

I THINK THERE WOULD BE A PROBLEM WITH IT.

>> DOUGLAS KELLNER: ARE THERE OTHER CANDIDATES THAT ARE PARTIES TO THE CASE?

>> TODD VALENTINE: NO.

ONE CANDIDATE DID INTERVENE AND WAS GRANTED INTERVENTION STATUS DOING

>> DOUGLAS KELLNER: DOES THAT CANDIDATE HAVE A RIGHT TO APPEAL?

>> TODD VALENTINE: YES, AND THE OTHER COUNTIES AFFECTED AND OF COURSE

THE ATTORNEY GENERAL ALWAYS HAS THE RIGHT TO INTERVENE ON AN APPEAL.

WE DON'T NECESSARILY HAVE TO TAKE THE APPEAL.

>> DOUGLAS KELLNER: I DON'T FEEL STRONGLY ABOUT THESE CASES WHERE THERE

ARE OTHER PARTIES AND I DON'T THINK THAT THIS IS SUCH A DRAMATIC RIGHT

THAT WE NEED TO GET INVOLVED IN A PROTRACTED ARGUMENT ABOUT IT.

>> EVELYN AQUILA: I DON'T THINK I WOULD EITHER.

THE WORD ABSURD MAKES ME THINK WE WOULD LOSE.

>>: ARE YOU CONCERNED THAT EVEN AS APPLIED THE COURT DECLARED THE

STATUTE UNCONSTITUTIONAL.

DOESN'T THAT A CASE TO TAKE IT UP ON APPEAL?

>> TODD VALENTINE: AS THE COMMISSIONER POINTS OUT, OTHER PARTIES CAN RAISE THAT.

WE ARE NOT IMPACTED BY THE STATUTE.

THIS IS AN IMPACT THAT FALLS ON OTHER CANDIDATES AND THE COUNTIES AND

THE NARROWNESS OF THE RULING WOULD LIMIT REALLY ANY PRECEDENTIAL VALUE.

IF YOU HAVE CANDIDATES WITH THE LINE, YOU ALREADY HAVE THE LINE.

YOU CREATE A HOLE IN THEIR LINE BY NOT DOING THAT.

>> DOUGLAS KELLNER: THAT IS THE RULING.

IF YOU'RE RUNNING AS A SLATE ON AN INDEPENDENT BODY AND SOME CANDIDATES

HAVE MAJOR PARTY NOMINATIONS AND OTHER CANDIDATES DON'T HAVE MAJOR PARTY

NOMINATIONS, THE CANDIDATES HAVING THE MAJOR PARTY NOMINATIONS WOULD

HAVE THE RIGHT TO HAVE THEIR NAMES REPEATED IN THE ROW FOR THAT

INDEPENDENT BODY, NOTWITHSTANDING THE FACT THAT THEY WERE ALREADY ON THE

BALLOT AS A MAJOR PARTY CANDIDATE.

>> TODD VALENTINE: RIGHT.

THAT'S WHY I THINK THE APPEAL, WHILE AT FIRST GLANCE IT SEEMS

PROBLEMATIC, MAY NOT BE SUCCESSFUL BECAUSE THE NARROWNESS OF THAT AND

THE LANGUAGE THAT THE COURT USED, QUITE HONESTLY, TO HIGHLIGHT THE

PROBLEM.

SO I WOULD NOT BE INCLINED AT THIS POINT TO TAKE THE APPEAL BASED UPON THAT.

>> EVELYN AQUILA: I AGREE WITH YOU.

I THINK YOU'RE RIGHT.

>> DOUGLAS KELLNER: OKAY.

>> NEIL KELLEHER: TODD --

>> TODD: OTHER THINGS GOING ON.

WE STILL HAVE OTHER CASES.

THERE IS ANOTHER APPEAL PENDING IN THE SIXTH JUDICIAL DISTRICT,  
THE PAPERS ARE DUE TOMORROW.

THAT'S NOT ONE WE'RE TAKING.

IT'S ONE WE'RE RESPONDING TO.

THAT HAD TO DO, THAT WAS ONE WITH THE LATE MINUTES,

MINUTES WERE FILED LATE AND WE INVALIDATED THE NOMINATION  
BECAUSE THE

MINUTES WERE FILED LATE.

>> EVELYN AQUILA: OH, YES, I REMEMBER THAT.

>> TODD VALENTINE: THE COURT AGREED WITH US AND THE OTHER SIDE  
IS APPEALING.

PAUL HAS ONE MORE CASE IN THE NINTH JUDICIAL --

NINTH, BECAUSE IT GOT MOVED TO THE THIRD.

>> PAUL: THERE ARE THREE CASES HAVING TO DO WITH THE SAME ISSUE.

JUDGE NICKOLI, THE JUDGE IN THE NINTH JUDICIAL DISTRICT, IT GOT  
MOVED

TO THE THIRD JUDICIAL DISTRICT WHERE IT WAS ASSIGNED TO THREE  
SEPARATE JUDGES

DEALING WITH THE WORKING FAMILIES, THE INDEPENDENT AND

THE CONSERVATIVE NOMINATION.

THE JUDGES HAVE NOT INDICATED WHEN THEY WANT TO HEAR THE  
CASE.

WHEN WE HEAR FROM THEM WE WILL GO AND ARGUE BEFORE THE  
VARIANT JUDGES,



PROBABLY AT DIFFERENT TIMES AND DIFFERENT PLACES.

>> EVELYN AQUILA: YOU'RE SAYING THREE JUDGES IN THREE DIFFERENT JURISDICTIONS?

>> PAUL: THREE JUDGES IN ALBANY COUNTY, ALL OF THEM COURT OF CLAIMS.

>>: IS THERE ANY MOVE TO CONSOLIDATE BEFORE ONE OF THESE JUDGES?

>> PAUL: PARTIES TO THE ACTIONS, TO THE PROCEEDINGS, WHO WILL OBJECT TO CONSOLIDATION.

>> EVELYN AQUILA: DO THEY HAVE TO HEAR THIS PRIOR TO ELECTION DAY?

>> PAUL: THEY HAVE TO HEAR IT PRETTY QUICKLY OR IT BECOMES MOOT.

>> EVELYN AQUILA: I WAS THINKING, BALLOTS HAVE TO BE PRINTED.

>> TODD VALENTINE: IN THAT CASE, ONCE THE BALLOT IS PRINTED, THE CHALLENGE IS TO REMOVE PEOPLE FROM THE BALLOT.

HE WANTS TO CHALLENGE THE JUDICIAL CONVENTIONS IN THAT JURISDICTION.

ONE THING, THIS IS MORE OF AN ANNA AND ALLISON THING, BUT WE HAVE

OBJECTIONS TO RULE ON WITH REGARD TO THE THIRD JUDICIAL DISTRICT.

I DON'T KNOW IF YOU WANT TO DO THAT NOW.

OKAY.

>> DOUGLAS KELLNER: SURE.

>> TODD VALENTINE: OBJECTIONS TO SPECIFICATIONS WERE FILED IN THE

THIRD JUDICIAL DISTRICT.

I MEAN, I'M AT A LOSS HERE.

MAYBE I'LL TURN IT OVER TO ANNA AND ALLISON ON THAT.

IF THERE ARE ANY SPECIFIC QUESTIONS ON THE TIMING, BUT ESSENTIALLY THE

CHALLENGE WAS TO WHAT OCCURRED AT THE UNDERLYING CONVENTION, NOT

NECESSARILY ANYTHING THAT WAS BROUGHT HERE.

NO CASE HAS BEEN FILED WITH REGARD TO THIS, JUST THE OBJECTORS.

WE DID RECEIVE A RESPONSE FROM THE CANDIDATES OR REPRESENTATIVES TO THE

CANDIDATE WHO IS BEING CHALLENGED.

>> DOUGLAS KELLNER: I HAVEN'T SEEN THE OBJECTIONS.

ANYBODY SEEN THE OBJECTIONS?

>> EVELYN AQUILA: NO.

>> ANNA SVIZZERO: THE OBJECTION IS TO HOW --

I DON'T KNOW WHAT THE OBJECTION IS, ACTUALLY WORD-FOR-WORD, TODD HAS IT.

>> DOUGLAS KELLNER: MAY I HAVE A COPY OF THE OBJECTIONS, PLEASE?

>> ANNA SVIZZERO: THE QUESTION WAS HOW THE INFORMATION WITH REGARD TO WHO WON THE

PRIMARIES FOR THE VARIOUS DELEGATES WAS FILED WITH US.

WE HAVE THE SAME PRACTICE WE HAVE HAD FOR AS LONG AS I HAVE BEEN HERE.

IT'S A NOTICE FROM THE COUNTY BOARD, YOU KNOW, RECENTLY IT HAS BEEN BY

E-MAIL SINCE WE HAVE HAD E-MAIL.

OTHERWISE IT WAS A FAX INDICATING WHO WON.

THOSE ARE USUALLY FAXED RIGHT AFTER THE PRIMARY BECAUSE THERE IS AN

OFFICIAL ROLL CALL THAT HAS TO BE PREPARED.

>> EVELYN AQUILA: IS THIS THE CANDIDATES THAT WERE ELECTED BY JUDICIAL

CONVENTIONS YOU'RE TALKING ABOUT?

>> ANNA SVIZZERO: NO, THE DELEGATES THEMSELVES WERE ELECTED.

THERE WERE PRIMARIES FOR THOSE DELEGATES--

>> EVELYN AQUILA: OH, YEAH, THE DELEGATES TO THE ELECTION.

>> TODD VALENTINE: THE OBJECTOR IS CHALLENGING THE NOMINATION OF ONE

CANDIDATE FROM THE DEMOCRATIC CONVENTION, AND THE THIRD JUDICIAL DISTRICT ARE CLAIMING THAT

THE PEOPLE WHO PRESIDED AT THE CONVENTION AND NOMINATED PARTICIPATED IN

THE CONVENTION NOMINATING THIS CANDIDATE.

JUDGE THERESI, WERE IMPROPERLY ACTING AS DELEGATES CLAIMING WE HADN'T

RECEIVED OFFICIAL NOTICE FROM THE COUNTIES, BUT OUR PROCEDURE ISN'T

WRITTEN AS MUCH ANYMORE. WE ALLOW IT THROUGH E-MAIL AND OTHER

ALTERNATIVE MEANS TO RECEIVE THAT.

AND THEN FORWARD IT TO THE CONVENOR.

>> EVELYN AQUILA: IN OTHER WORDS, RATHER THAN SEEING HARD COPY,

WE TAKE ELECTRONIC COPY?

>> TODD VALENTINE: YES.

>>ANNA SVIZZERO: E-MAIL, FAX.

>> EVELYN AQUILA: OKAY.

>> ANNA SVIZZERO: IN ALBANY'S CASE, THEY WERE OUT OUR BACK DOOR AND THEY WALK IT OVER.

>> EVELYN AQUILA: DOES THE BOARD SAY IT HAS TO BE HARD COPY?

>> TODD VALENTINE: NO, IT JUST SAYS --

NO, IT DOESN'T.

IN THE PAST WE'VE ALWAYS TAKEN IT, JUST MOVED TO MORE EXPEDITED MANNER

IN THIS DAY AND AGE.

>>: THERE IS ANOTHER CLAIM IN THE OBJECTIONS THAT DOESN'T REALLY HOLD

WATER, BUT IT'S AN INTERESTING CLAIM THAT YOU SHOULD BE AWARE OF AND

THERE'S AN OBJECTION THAT THE CONVENOR OF THE CONVENTION ALSO WAS

ELECTED TEMPORARY AND PERMANENT CHAIR OF THE CONVENTION.

AND THAT'S PRETTY MUCH THE WAY IT'S DONE.

AND IT'S INTERESTING BECAUSE HE TORTURES THE READING OF SECTION 6-126 OF

THE ELECTION LAW THAT INDICATES THAT THE PERSON WHO CALLS THE CONVENTION

TO ORDER SHALL EXERCISE NO OTHER FUNCTION OTHER THAN CALLING THE

OFFICIAL ROLL OF THE DELEGATES UPON THE VOTE OF TEMPORARY CHAIRMAN AND

DECLARING THE RESULT THEREOF.

THAT'S IN HIS CAPACITY AS CONVENOR.

AND IN THIS CONVENOR WAS ALSO A DELEGATE.

SO HE WAS ELECTED TEMPORARY CHAIR.

JUST SO YOU HAVE ALL OF THE OBJECTIONS IN FRONT OF YOU.

>> DOUGLAS KELLNER: I'M READING IT.

IT WOULD BE HELPFUL IF THEY WOULD SEND THESE TO US BEFORE THE MEETING.

>> EVELYN AQUILA: WELL, WE HAD.

>> NEIL KELLEHER: ALL OF THOSE.

>> EVELYN AQUILA: THE COURT HASN'T DECIDED --

>> TODD VALENTINE: THERE IS NO CASE BEFORE IT.

IT'S TOO LATE FOR THE OBJECTOR.

>> EVELYN AQUILA: OH, OKAY.

>> NEIL KELLEHER: ANYTHING ELSE FOR TODD?

>> DOUGLAS KELLNER: I HAVE FINISHED READING IT.

>> NEIL KELLEHER: OKAY.

>> TODD VALENTINE: WE JUST NEED TO DECIDE.

>> DOUGLAS KELLNER: I MAKE A MOTION THAT WE REJECT THE OBJECTIONS.

>> EVELYN AQUILA: AYE.

>> NEIL KELLEHER: ALL THOSE IN FAVOR?

(ALL MEMBERS RESPONDED "AYE.")

>> NEIL KELLEHER: OPPOSED, NAY?

(THERE IS NO RESPONSE.)

>> NEIL KELLEHER: APPROVED.

>> TODD VALENTINE: TWO LAST THINGS.

COMMISSIONER, YOU ARE AWARE THAT WE MADE OUR ARGUMENT  
TO THE SUPREME COURT.

STANLEY WAS THERE AS WELL AS LIZ AND MYSELF AND A LARGE  
NUMBER OF OTHER

PEOPLE AND WE'LL FIND OUT.

WE'RE JUST WAITING.

>> EVELYN AQUILA: HOW IS MR. OLSON?

HE ARGUED FOR US, RIGHT?

>> TODD VALENTINE: YES, HE DID.

YOU KNOW, I GUESS ARGUMENT WENT WELL.

I THINK WE'LL FIND OUT.

AND THEY DIDN'T LOSE THE CASE.

THAT'S A GOOD SIGN.

>> EVELYN AQUILA: WERE THERE ANY QUESTIONS FROM THE JUSTICES?

>> TODD VALENTINE: YEAH, THERE WERE CERTAINLY --

ALL EXCEPT JUSTICE THOMAS ASKED QUESTIONS.

SO HE WAS FAMILIAR WITH THE ISSUES.

THAT WAS NOT UNEXPECTED.

IT WAS CLEAR THAT ALL THE JUDGES HAD READ THE PAPERS.

AND I THINK AT LEAST --

EVIDENCE HE CERTAIN AMOUNT OF INTEREST IF THERE'S QUESTIONS.

>> TODD VALENTINE: I THINK THEY UNDERSTOOD OUR ARGUMENT AND WHILE THE

CONVENTION WHILE IT'S UNIQUE IN NEW YORK STATE IS NOT A BAD THING AND

SERVES A LEGITIMATE PURPOSE OF TO SOME EXTENT LIMITING POLITICAL

INTERACTIONS FOR JUDICIAL CANDIDATES.

THEY DON'T HAVE TO PARTICIPATE IN THE POLITICS.

THEY CAN SEPARATE THEM.

I THINK BASED UPON THE QUESTIONING FROM BOTH OLSON AND THE SECOND ARGUER

THAT WE HAD, ANDREW ROSSMAN, I --

THAT'S THE BASIC UNDERSTANDING THAT I GOT.

AND WE CONTINUE WITH OUR WEEKLY UPDATES, PAUL AND I, WITH THE JUSTICE

DEPARTMENT ON OUR THURSDAY MORNING CALLS AND WE CONTINUE TO WAIT FOR

THEIR RESPONSE.

PAUL CLEARLY ASKED POINT BLANK WHETHER THEY HAD A TIME FRAME FOR RESPONDING.

THEY RESPONDED QUITE SHARPLY THAT NO, THEY DON'T HAVE A TIME FRAME AND

DON'T ASK US FOR A TIME FRAME.

THEY'LL GET TO IT WHEN THEY GET TO IT, WORDS TO THAT EFFECT.

>> EVELYN AQUILA: PROBABLY THOUGHT IT WAS NERVEY OF US TO ASK FOR A TIME FRAME.

>> TODD VALENTINE: YES, THAT WOULD BE AN ACCURATE REFLECTION OF WHAT THEY SAID.

NERVEY ISN'T QUITE THE WORD I WOULD USE.

BUT THEY ARE ANALYZING IT.

AND WE ARE AWAITING THAT.

>> EVELYN AQUILA: WILL WE GET AN ANSWER ALWAYS ON A THURSDAY MORNING

DURING ONE OF THESE TELEPHONE CALLS?

>> TODD VALENTINE: NO, THAT'S A REGULARLY SCHEDULED CALL THAT WE HAVE

IN WHICH WE UPDATE THEM.

ANY ISSUES THAT COME UP LATELY, ANYTHING INVOLVED WITH THE DATABASE IS

WHAT WE USUALLY START WITH AND IF THEY HAVE ANY PARTICULAR QUESTIONS

THAT MAY HAVE ARISEN DURING THE WEEK FOR THEM.

BUT WE CAN CONTACT THEM ANY TIME WE WANT.

THE PHONE LINE IS ALWAYS AVAILABLE.

IT WORKS BOTH WAYS.

WE MADE THOSE CONTACTS BOTH WAYS.

>> EVELYN AQUILA: YEAH.

THANK YOU, TODD AND PAUL.

>> PAUL: I DON'T HAVE ANYTHING TO ADD.

>> NEIL KELLEHER: DOUG?

DO YOU HAVE ANY FURTHER QUESTIONS FOR HIM?

>> DOUGLAS KELLNER: NO.

>> NEIL KELLEHER: NO?



**WE'LL MOVE ON THEN TO ELECTIONS OPERATIONS, ANNA.**

>> ANNA SVIZZERO: TODAY WE HAVE THE RERUN OF THE PRIMARY IN ROCKLIN,

AND NEXT WEEK WE HAVE A RERUN IN TWO ELECTION DISTRICTS IN OSWEGO COUNTY.

WE HAVEN'T HAD ANY PHONE CALLS RELATED TO THIS OTHER THAN THE BOARD NOTIFYING US

OF THE REQUIREMENT THAT THOSE TWO PRIMARIES GET RERUN.

OUR GENERAL SUPPORT PRE ELECTION HAS BEEN TO THE COUNTY BOARDS AND FOR THE

BALLOT ISSUES FOR THE COUNTY BOARDS, AND ACCESS TO ABSENTEES AND OTHER

QUESTIONS FROM THE GENERAL PUBLIC.

NOTHING UNIQUE SO FAR REGARDING THIS UP COMING ELECTION.

WE'VE MET WITH TWO VENDORS TO REVIEW OUR ANALYSIS AND CRITIQUE OF VENDOR

REQUIRED ACCEPTANCE TESTING PROCESSES AND WE HAVE ONE MORE MEETING WITH

ONE OF THE VENDORS TOMORROW. WE ARE EXPECTING THAT THEY WILL REVISE

THEIR PROCEDURES AND BRING THEM BACK TO US AT A LATER DATE SO THAT

ANOTHER ROUND OF, A DRY RUN, IF YOU WILL, OF THOSE PROCEDURES CAN BE

CONDUCTED BY US AND THAT PROCESS CAN BE FINALIZED, SO TO SPEAK.

IT WILL PROBABLY BE AN ONGOING PROCESS, BUT WE WOULD LIKE TO LOCK IT

DOWN AT THIS STAGE.

WE HAVE ALL OF THE VENDORS FILING THEIR SEPTEMBER 30 QUARTERLY REPORTS.

THOSE ALSO HAVE BEEN POSTED TO THE WEB SITE.

SO THAT SITE IS UPDATED.

PRECISE VOTING WAS HERE ON OCTOBER 3 FOR A DEMONSTRATION OF THEIR DRE/OP SCAN SYSTEM.

THEY HAVE AN INTERESTING APPROACH.

I ENCOURAGE YOU IF YOU HAVE THE CHANCE TO ATTEND ONE OF THEIR DEMOS.

WE ARE ALSO TRYING TO SET UP DEMONSTRATIONS FOR OPEN VOTING SOLUTIONS,

WHICH IS WORKING THROUGH SOME ISSUES WITH OGS AND ALSO WITH DOMINION.

THOSE HAVE NOT BEEN SET UP YET.

WHEN THEY DO, WE'LL SHARE THOSE DATES.

WE ARE DOING SOME HOUSE KEEPING ON OUR PAGE OF THE STATE BOARD'S WEB SITE.

WE ARE LOOKING TO BETTER IDENTIFY CURRENT AND ARCHIVED INFORMATION TO

DISTINGUISH THE TWO AND ALSO CREATE SPACE WHERE NEW INFORMATION CAN BE

POSTED AND WE ARE READILY AVAILABLE TO THE PUBLIC AND TO VENDORS.

WE ARE CRAFTING A PROCESS FOR HOW TO CONDUCT ACCEPTANCE TESTING.

IT'S GOING TO MEAN SIGNIFICANT RESOURCES AND BY WAY OF STAFF AND

BY WAY OF FUNDING.

WE ARE --

TERRY BREEDS HAS TAKEN THE LEAD ON THIS.

WE ARE WORKING WITH NYS TECH AND ALLISON AND I WILL WORK WITH THEM TO

GET A PROPOSAL BEFORE THE BOARD, AND WITH STANLEY AND PETER AND THE BOARD.

IT IS COSTLY FOR THAT PROCESS TO TAKE PLACE.

WE HAVE PROPOSALS SUBMITTED FOR THE SELECTION OF A NEW INDEPENDENT TESTING AUTHORITY.

FOUR LETTERS OF INTENT WERE SUBMITTED BUT ONLY THREE PROPOSALS WERE SUBMITTED.

AND ALLISON IS THE LEAD ON OUR EVALUATION TEAM AGAIN.

AND THE EVALUATION WORK SHOULD BE DONE BY NOVEMBER 7.

THE TEAM IS GOING TO HAVE TO TRAVEL AND DO SITE VISITS.

SO ALLISON AND THE EVALUATION TEAM HAVE BEEN LOOKING AT DATES FOR NEXT WEEK FOR DOING THOSE VISITS.

AND ALLISON CAN CERTAINLY ANSWER ANY QUESTIONS YOU HAVE RELATING TO THAT.

OR WE CAN AS WELL.

WE HAVE A BID READY FOR THE BOARD TO VOTE ON TODAY.

THE BID IS FOR TWO LOTS, ONE FOR VOTING SYSTEMS, LOT ONE.

LOT TWO IS FOR BALLOT MARKING DEVICES.

THE SYSTEM REQUIREMENTS FOR BALLOT MARKING DEVICES, ONE SEGMENT OF THOSE

REQUIREMENTS ARE STILL BEING WORKED ON.

WE HAVE TO HAVE THAT WORK WRAPPED UP BY THE SECOND OF NOVEMBER.

THAT WOULD BE THE DAY THAT QUESTIONS FROM THE PROPOSERS WOULD BE DUE.

SO THE WORK IN ESTABLISHING THE CRITERIA THAT THOSE SYSTEMS WOULD HAVE TO

MEET WOULD NEED TO GO OUT AS AN ADDENDUM TO THE VENDORS PRIOR TO THAT

NOVEMBER 2 DATE.

THE BID CAN BE RELEASED WITHOUT THAT ONE COMPONENT AND WE ARE PREPARED TO HAVE YOU CONSIDER THAT TODAY.

IF WE DO THAT TODAY, OGS HAS INDICATED THAT THEY COULD ACTUALLY GET IT OUT ON

THE STREET TOMORROW RATHER THAN FRIDAY.

THAT WOULD SAVE US A COUPLE DAYS ON THE CALENDAR OR VARIOUS CALENDARS THAT WE SUBMITTED TO THE COURT.

WE ALSO GAVE YOU FOR INFORMATIONAL PURPOSES IN YOUR PACKET A DOCUMENT THAT HAS A NEW TITLE ON IT.

IT'S FACILITY AND PHYSICAL TRANSPORTATION GUIDELINES.

THIS IS, DOESN'T REQUIRE YOUR VOTE.

IT'S PROVIDED FOR INFORMATIONAL PURPOSES, BUT WE DO WANT TO NO LONGER

MAKE IT A DRAFT AND PROVIDE IT TO THE COUNTY BOARDS

AFTER THIS BOARD MEETING.

THEY CAN FIND IT HELPFUL FOR PLANNING, BUDGETING AND OTHER PURPOSES.

IT HAS BEEN SENT TO THE BOARD ONCE AS A DRAFT AND IT DOES REFLECT SOME OF THE COMMENTS THAT THE BOARDS MADE.

WE WORKED WITH NEW YORK CITY ON THIS AND IT REFLECTS THEIR INPUT AS WELL SINCE

THEY ARE THE LARGEST ENTITY IN THE STATE THAT ALREADY OWNS EQUIPMENT AND IS RESPONSIBLE

FOR ITS MAINTENANCE AND DEPLOYMENT.

AND I THINK OUR VENDOR CALLS PROCEED ON A REGULAR BASIS.

THE NEXT ONE IS THE 22ND OF OCTOBER.

AND I THINK THAT'S IT FOR ELECTION OPERATIONS.

>> NEIL KELLEHER: ALL RIGHT.

ANY COMMENTS OR QUESTIONS FOR ANNA?

IF NOT,

**WE'LL MOVE ON TO NVRA BY MR. LEE DAGHLIAN, PUBLIC INFORMATION OFFICER.**

>> LEE DAGHLIAN: THANK YOU.

THREE AREAS.

COUNTY FUNDS OPERATION IS WORKING RATHER SMOOTHLY AT THIS POINT.

WE DID HAVE SEVERAL COUNTIES THAT WE FLAGGED AS PROBLEM COUNTIES OVER THE LAST FEW MONTHS.

IN OTHER WORDS WE WEREN'T GETTING A LOT OF COOPERATION.

THERE ARE ONLY TWO SUCH COUNTIES NOW.

OUR DEADLINE THAT WE SET FOR THE 28TH OF SEPTEMBER FOR COMPLETION WORKED

QUITE WELL IN GETTING THE DOCUMENTATION WE NEEDED FOR SEVERAL COUNTIES.

SO I THINK WE'RE IN PRETTY GOOD SHAPE THERE.

WE'RE TAKING EXTRA STEPS IN THOSE PROBLEM AREAS TO CONTINUE THE DIALOGUE AND TO GET THE WORK DONE.

THERE HAVE BEEN SEVERAL NEW HIRES OF ILCS AROUND THE STATE TO HELP

THE COUNTIES CONDUCT THEIR SURVEYS AND GET THE PROPER WORK DONE.

SO I THINK WE'RE IN FAIRLY GOOD SHAPE THERE.

THE CONTRACT FOR POLL WORKER TRAINING, WEB BASED PROGRAM, AS YOU KNOW, IS SIGNED AND APPROVED.

WE'VE MADE CONTACT WITH SOE, WHO IS THE CONTRACTOR.

WE ARE ENDEAVORING TO SET UP THE FIRST MEETING WITH THEIR STAFF AND OUR STAFF HERE IN ALBANY.

AS SOON AS WE CAN AFTER THE ELECTION IN NOVEMBER.

IT LOOKS LIKE IT MIGHT BE RIGHT AFTER THANKSGIVING TO KICK THIS OFF.

WE ARE IN THE PLANNING STAGES TO FILL OUT THE GROUP TO BEGIN THIS PROCESS.

OUR THINKING IS THAT IT SHOULD BE THE FOUR THAT WERE INVOLVED IN THE RFP

TO BEGIN WITH ADDITIONAL STAFF OR MAYBE OPERATIONS AND THE IT UNIT.

PLUS AN ADVISORY COMMITTEE THAT WE WOULD SET UP WITH OUTSIDE INTERESTS

INCLUDING COUNTY BOARDS TO GET INVOLVED IN THE SAME WAY THAT THE ADVISORY

COMMITTEE WORKED WITH THE IT UNIT FOR THE DATABASE.

WE ALSO HAD SOME VISITORS HERE FROM OUTSIDE THE UNITED STATES LAST WEEK.

TWO ELECTED OFFICIALS FROM YOU URAGUAY, SOUTH AMERICA.

WE DO THIS AT THE REQUEST OF AN INTERNATIONAL GROUP HERE IN ALBANY.

THEY WERE HERE TO LEARN ABOUT POLITICS, LEGISLATIVE OPERATIONS, THEY VISITED

THE LEGISLATURE AND VARIOUS OTHER PLACES INCLUDING THE ALBANY COUNTY BOARD.

THEY CAME TO US TO TALK TO US FOR ABOUT AN HOUR AN BOB AND I

DISCUSSED, THROUGH AN INTERPRETER BY I THE WAY, TALKED ABOUT THE OPERATIONS

OF THIS BOARD AND ELECTIONS IN GENERAL.

IT WAS AN INTERESTING CONTRAST IN HOW THEY DO THINGS THERE, THE WAY WE DO THINGS HERE.

IT'S, IT LOOKS LIKE IT'S MUCH EASIER AND FASTER IN URUGUAY TO HOLD AN ELECTION THAN HERE.

(CHUCKLES.)

>> LEE DAGHLIAN: WE DIDN'T COME AWAY WITH ANY GEMS, BUT IT WAS INTERESTING.

THAT'S ALL I HAVE FOR THE NORMAL BUSINESS THAT WE DO.

THERE ARE A LOT OF CALLS AS WE GET CLOSER TO THE ELECTION AND REGISTRATION DEADLINES,

BUT WE ARE HANDLING THOSE FINE.

>> DOUGLAS KELLNER: LEE, AT THE LAST MEETING WE AGREED TO SET UP AN INFORMAL PROCEDURE

WITH THE DISABILITY ADVOCATES WHO HAD COMPLAINTS ABOUT COUNTY OPERATIONS.

>> LEE DAGHLIAN: RIGHT.

>> DOUGLAS KELLNER: WERE YOU ABLE TO DO ANYTHING TO FOLLOW UP ON THAT?

>> LEE DAGHLIAN: YES, THAT HAS STARTED.

OUR PERSONNEL FROM MY UNIT, GREG FIOSO, WE'VE ASKED TO GET THAT PROGRAM STARTED WITH

MS. COHEN FROM NYSLC AND GREG WILL BE GOING TO THEIR NEXT MEETING ON THAT ISSUE.

I BELIEVE IT'S NEXT WEEK.

AND WE'VE ASKED HIM TO SET UP WHAT HE THINKS WOULD BE THE BEST PROGRAM TO,

AND ON A FORMAL BASIS TO ESTABLISH WHAT WE NEED TO ESTABLISH, WHICH IS TO HANDLE ANY COMPLAINTS ABOUT POLL SITE ACCESSIBILITY THE FASTEST AND EASIEST WAY AND TO --

THE BOTTOM LINE IS TO GET THEM FIXED IF THEY'RE DEFICIENT AND HOPEFULLY BY OUR NEXT MEETING

WHICH I ASSUME WILL BE IN NOVEMBER SOMETIME, WE'LL HAVE MORE DETAIL ON THAT.

>> DOUGLAS KELLNER: GOOD, THANK YOU.

>> NEIL KELLEHER: THANK YOU VERY MUCH.

AND LEE, DO YOU HAVE ANY QUESTIONS OR COMMENTS FOR LEE?

**IF NOT, WE'LL MOVE ON TO CAMPAIGN FINANCE, ELIZABETH HOGAN.**

>> ELIZABETH HOGAN: THANKS, COMMISSIONER.

TO UPDATE YOU ON THE VARIOUS ONGOING PROJECTS HAPPENING IN CAMPAIGN FINANCE,

THE FIRST IS THE COMPLIANCE PROCEDURES THAT ARE BEING DRAFTED.

WE HAVE A MEETING WITH NYS TECH TOMORROW, THE, THURSDAY, THE 18TH.

THAT SHOULD BE THE LAST MEETING IN TERMS OF GETTING THE FINALIZED FLOW CHARTS AND WE'LL MOVE

INTO WRITING THE PROCEDURES.

THAT IS --

AFTER WE DO THAT, WE HAVE TO DRAFT THE FORMS AND THEN DO THE EDUCATIONAL



COMPONENT WHICH IS NOT OVERLY ONEROUS.

WE ARE MOVING ALONG AND SHOULD HAVE THAT, I THINK OUR GOAL IS HAVING

THAT DONE BY THE END OF THE YEAR, EARLY JANUARY.

THE SCANNING PROJECT, WE HAD A FOLLOW-UP MEETING SINCE OUR LAST BOARD MEETING.

THE PEOPLE FROM THE VENDOR CAME IN.

ACTUALLY GEORGE AND DAN JOINED US IN THE PRESENTATION BECAUSE THERE WERE ISSUES ABOUT

STORAGE AND COMPUTER SPACE AND THOSE KINDS OF THINGS THAT THEY HAD SPECIFIC

QUESTIONS ON AND I THINK WE'RE GOING TO TALK TO GEORGE ABOUT WHERE HE IS ON HIS

RECCOMENDATION ABOUT HOW TO ACCOMMODATE THE MEMORY ISSUES IN THE ELECTRONIC FILES.

THE RFP, OGS HAS A NEW PERSON INVOLVED IN THAT RFP DRAFTING ISSUE.

SOMEONE NEW ASSIGNED.

WE GOT AN E-MAIL ACTUALLY THIS MORNING FROM THEM BECAUSE WE HAD REQUESTED A MEETING TO

GET TOGETHER AND LOOK AT A DRAFT AND I THINK IF MY MEMORY SERVES ME,

THE PROPOSED DATE BY THEM WAS OCTOBER 31.

SO WE SHOULD HAVE A PROPOSED DRAFT ON THE TABLE AT THAT POINT TO WORK FROM.

YESTERDAY THE 15TH, THE JUDGMENT WAS ENTERED, THE JANUARY NON-FILINGS THAT WE

WERE WAITING FOR THE COURT'S SIGNATURE ON.

ACTUALLY JUDGMENT DID GET ENTERED YESTERDAY.

THE '05 OVER CONTRIBUTION PROJECT THAT WE WERE WORKING ON  
THAT WE TALKED ABOUT AT

THE LAST MEETING HAS PROGRESSED REALLY WELL.

THERE WERE, AS I INDICATED TO YOU AT THE LAST MEETING, A LOT OF  
CORPORATIONS WERE

APPEARING AS CONTRIBUTORS.

THAT WERE REALLY TECHNICALLY APPEARING AS OVER CONTRIBUTORS,  
BUT THERE WERE A LOT OF FACTORS INVOLVED AS TO WHY THAT WAS  
HAPPENING.

WE THOUGHT WE COULD WORK ON GETTING THAT STUFF CLEANED UP  
AND WE MADE A LOT OF PROGRESS ON THAT.

WE'RE NEARING THE END OF THAT.

THAT'S LOOKING VERY, VERY GOOD.

THE 06 CYCLE OVER CONTRIBUTION PROJECT CYCLE HAS GOTTEN  
UNDERWAY.

WE HAD OUR INITIAL MEETING AS TO WHAT WE ANTICIPATE THE PROJECT  
TO GIVE US

AN WE ARE GOING TO HAVE, I THINK IT'S THURSDAY ALSO, A RUN-  
THROUGH, WHAT WE'VE DONE IS ASSIGNED --

WE TASKED OUT THE PROJECT TO THREE PEOPLE WHO WILL WORK AS A  
TEAM.

THEY WILL BE DIVIDED UP.

WE WILL HAVE A RUN-THROUGH SO THEY KNOW WHAT THE ISSUES ARE  
THAT THEY HAVE

TO GATHER FOR US, HOW TO PRESENT IT SO THAT IT'S CONSISTENT,

AND THAT SHOULD BE UP AND RUNNING VERY QUICKLY.

NOW, WE HAD AN INITIAL RUN FOR THE 06 CORPORATE OVER  
CONTRIBUTORS.

THE PROBLEM IS WE DON'T HAVE THE STAFFING TO DO THOSE PROJECTS TOGETHER RIGHT NOW.

THE PEOPLE WHO ARE DOING THESE PROJECTS ACTUALLY HAVE, ARE PROGRAM AIDES AND HAVE THE PHONE DUTIES.

SO FOR THE THREE THAT WE'VE TASKED TO WORK ON THE ELECTION CYCLE OVER CONTRIBUTION PROJECT,

THEY HAVE TO BE TAKEN OFF THE PHONES TO WORK ON THAT PROJECT,

WHICH LEAVES THREE OF THE OTHER AIDES TO HANDLE THE PHONES.

WE CAN'T HAVE THEM WORKING THESE PROJECTS TOGETHER, BUT I'M HOPING WHEN WE GET THE

ELECTION CYCLE PROJECT MOVING WE CAN MAYBE SET THE SCHEDULE UP SO WE CAN GET THE OTHER PEOPLE,

THE OTHER THREE PEOPLE WHO ARE GOING TO BE WORKING AS THE TASK TEAM

ON THE CORPORATE PROJECT ACTUALLY SET UP A SCHEDULE FOR THEM TO START THAT.

THE, WE HAVE BEEN VERY BUSY IN THE UNIT, THE CALL VOLUME IS UP SIGNIFICANTLY.

OF COURSE, AS WE'RE NEARING THE ELECTION AND PEOPLE ARE JUST CALLING WITH A LOT OF QUESTIONS,

SO THERE'S QUITE A BIT OF CALL VOLUME.

AS TO THE PERSONNEL ISSUE, I KNOW THAT I'VE TALKED TO SEVERAL PEOPLE THAT I HAVE MADE AN OFFER TO,

WORKING WITH STANLEY, TO BRING IN THE ATTORNEY THAT WE'RE LOOKING TO HIRE FROM OUR LIST OF CANDIDATES.

WE'VE ALSO INTERVIEWED FOR THE AUDITOR POSITION AND I THINK WE'RE CLOSE TO MAKING A DECISION ABOUT THAT, TOO.

STANLEY AND I HAVE TALKED ABOUT IT.

SO THAT'S LOOKING VERY PROMISING IN TERMS OF TIME FRAMES FOR THEM TO COME ABOARD.

THE SECOND STAGE OF THAT PROJECT WE'VE TALKED TO STANLEY AND PETER, BILL MCCAN AND

I HAVE SAT DOWN AND TALKED TO PETER AND STANLEY SOMEWHAT ABOUT WHERE WE'RE HEADED ON THAT.

WE'VE DRAFTED THE DUTIES AND RESPONSIBILITIES FOR WHAT WE'RE PROPOSING AND ALSO THE QUALIFICATIONS.

WE ARE JUST ABOUT DONE WITH THAT.

I THINK WE'RE ALMOST READY TO SIT DOWN WITH STANLEY AND PETER AND ACTUALLY WORK FROM THAT

DOCUMENT AND THEN DISCUSS IT WITH THE COMMISSIONERS.

THAT'S ABOUT IT.

>> EVELYN AQUILA: THAT'S A LOT.

>> NEIL KELLEHER: QUESTIONS?

COMMENTS?

IF NOT, THANK YOU VERY MUCH.

**ITU?**

GEORGE STANTON.

>> GEORGE STANTON: THANK YOU, COMMISSIONER.

OUR HELP DESK HAS BEEN WORKING ON THE FINANCE CAMPAIGN CALL VOLUME.

WHEN THEIR VOLUME GOES UP, OURS DOES AS WELL.

HELPING WITH THE SOFTWARE.

AS YOU KNOW, THE 32-DAY PRE-GENERAL REPORTS WERE JUST COMPLETED,

I GUESS AND NOW WE WILL BE GEARING UP FOR THE 11-DAY PRES.

ALSO IT STAFF HAS BEEN HELPING WITH THE REPORTS FOR THE CORPORATE AND THOSE KIND OF

REPORTS THAT ARE REQUIRED FOR CAMPAIGN FINANCE TO DO THEIR PROJECT.

NYS VOTER, THE PROJECT IS BASICALLY COMPLETED.

THE DATABASE IS UP AND RUNNING.

UP AND RUNNING VERY WELL, I MIGHT ADD.

I'M QUITE HAPPY WITH THE WAY IT TURNED OUT.

THE ONGOING THINGS THAT WE'RE DOING, OF COURSE, WE'RE STABILIZING THE SYSTEM.

ANY TIME YOU DO A LARGE SYSTEM BUILD LIKE THIS, YOU RUN INTO BUGS FOR THE FIRST

SIX MONTHS OR SO THAT NEED TO BE FIXED.

WE'LL BE IN STABILIZATION MODE, MAINTENANCE MODE OVER THE NEXT SIX MONTHS TO A YEAR.

NEW YORK CITY, OF COURSE, YOU KNOW WE HAVE BEEN HAVING, THEY HAD AN AUDIT OVER THE WEEKEND.

WE HAD TREMENDOUS PROGRESS WITH NEW YORK CITY.

THEY ARE DOING EXTREMELY WELL.

IN FACT, AS FAR AS SUCCESSFUL AUDITS RIGHT NOW, BELONGS BRONX IS 97% SUCCESSFULLY AUDITED, KINGS IS

96% SUCCESSFULLY AUDITED.

MANHATTAN IS 82%, QUEENS 98 % SUCCESSFULLY AUDITED AND RICHMOND IS

99 % SUCCESSFULLY AUDITED.

I'M CONFIDENT THEY WILL GET THE AUDITS DONE TO GET THE POLL BOOKS PRINTED AT THE END OF THE WEEK.

THEY'RE DOING VERY WELL.

WE ALSO FOUND OUT THAT THE ESS COUNTIES HAVE A LOT OF UNAUDITED VOTERS.

WE DETERMINED THIS ABOUT A WEEK AND A HALF AGO.

WE HAVE BEEN WORKING WITH THEIR VENDOR, ES & S.

THEY DID A SMRT THING EARLY ON.

HE AUDITED THE PEOPLE IN THE PRIMARY POLL BOOKS, BUT THEY FORGOT TO GO BACK AND AUDIT EVERYBODY ELSE.

WE ARE PUSHING THEM ON THAT.

I NOTIFIED ALL OF THE COUNTY COMMISSIONERS IN THOSE FOUR COUNTIES THAT THEY HAD TO GET THE AUDITS COMPLETED.

ES & S IS WORKING TO GET THAT DONE.

WE ARE IN THE PROCESS OF GOING THROUGH THE SERVICE LEVEL

AGREEMENT FOR THE FIRST YEAR'S MAINTENANCE WITH SABER.

PAUL HAD A LOT OF GOOD INPUT INTO OUR CONVERSATION ON THAT LAST WEEK.

WE HAVE TO COME UP WITH SOME TIME PERIODS WHICH ARE,

WE CONSIDER OUR PEAK SUPPORT PERIODS WHEN THERE WILL HAVE TO BE GREATER THAN BUSINESS HOUR SUPPORT.

WE ARE GOING TO COME UP WITH THAT AND PROVIDE THAT TO THEM AND THEY'LL

COME BACK WITH THE SECOND DRAFT OF THE SERVICE LEVEL REPORT FOR US.

ALSO AT THIS TIME WE ARE WORKING, SABER IS WORKING WITH MICROSOFT IN THEIR LABS IN REDMOND.

THEY'VE BUILT AN ENTIRE ARCHITECTURE TO, LIKE OURS AND THEY ARE BASICALLY BEATING

ON IT AGAIN TO SEE IF THERE'S THINGS THAT THEY CAN DO TO ENHANCE PERFORMANCE AND SERVICE,

EVEN THOUGH WE HAVEN'T REALLY SEEN MUCH NONPERFORMANCE IN IT.

AND THEY ARE PLANNING ON DOING AN ENVIRONMENT UPGRADE OF SOFTWARE

AND PATCHES AND SO FORTH TO TWEAK ALL OF THAT WHEN THEY FINISH THAT AND

GET ALL OF THE INPUT BACK FROM MICROSOFT THAT THEY NEED.

WE ARE CURRENTLY MONITORING ALL THE COUNTY ACTIVITIES. I HAVE BEEN NOTIFYING

ALL OF THE COUNTIES ON MISS ASSIGNED VOTING DISTRICTS AND UNIDENTIFIED VOTING.

WE HAVE SOME INTERESTING VOTING DISTRICTS WE HAVE BEEN WORKING WITH TO TRY TO GET THEM STRAIGHTENED OUT.

WE HAVE A COUPLE OF COUNTIES THAT HAVE MOVED HARDWARE ON THEIR END WITHOUT NOTIFYING US.

SO IT MESSED UP THEIR COMMUNICATION LINKS.

SO WE'VE BEEN WORKING WITH THEM TO GET THOSE STRAIGHTENED OUT AGAIN.

THAT'S KIND OF AN ONGOING THING.

WE ARE STILL WORKING ON THE ENHANCEMENTS THAT WE CONTRACTED WITH SABER

FOR THE VOTER LOOKUP AND THE POLL SITE LOOKUP, WAITING ON HARDWARE

TO GET THE VOTER LOOK UP READY AND THE POLL SITE LOOK UP WILL FOLLOW AFTER THE GENERAL ELECTION.

WE'VE SEEN A, QUITE A BIT OF FOIL ACTIVITY ON THE STATEWIDE VOTER DATABASE.

I WOULD CONSIDER IT MODERATE REQUESTS FOR FOILS.

WE ARE ALSO, I HAVE MICROSOFT ENGINEERS DOWNSTAIRS RIGHT NOW  
INSTALLING UPON TORING SOFTWARE THAT WE PURCHASED

EARLIER ON THAT WILL ALLOW US TO SET THRESHOLDS ON OUR ENTIRE  
SYSTEM FOR NYS

VOTER AND GIVE US ALERTS WHEN ANY THRESHOLDS ARE EXCEEDED SO  
IT GIVES US AN

EASY WAY TO MONITOR IT AND EASY DETECTION OF ANY PROBLEMS  
THAT ARE GOING ON.

AND THAT, I GUESS, ABOUT WRAPS UP WHAT WE ARE DOING IN IT.

>> NEIL KELLEHER: DOUG?

>> DOUGLAS KELLNER: I HAVE A FEW QUESTIONS.

GEORGE, CAN YOU TELL US WHAT YOU MEAN BY THE TERM AUDITED  
VOTER?

OR WHAT THE PURPOSE OF THESE AUDITS IS?

>> GEORGE STANTON: THE PURPOSE OF THE AUDIT REALLY, THERE'S A  
CHECK SUM CALCULATED.

I KNOW THAT PEOPLE'S EYES MAY START TO GLAZE OVERMENT THERE'S  
A CHECK SUM AT THE STATE END AND COUNTY END.

WHEN YOU AUDIT YOU COMPARE THOSE.

THIS IS WHAT ALLOWS US TO DO, WHAT ALLOWED US TO DO A BOTTOMS-  
UP SYSTEM

WHERE THE COUNTIES HAVE THE LOCAL SYSTEM AND WE HAVE THE  
STATEWIDE SYSTEM

AND STILL MEET THE HAVA REQUIREMENTS.

>> DOUGLAS KELLNER: JUAN I PUT THIS IN LAY LANGUAGE AND SEE IF I  
UNDERSTAND IT?

YOU'RE TRYING TO DETERMINE IF THERE'S AN EXACT MATCH BETWEEN  
THE RECORD THAT



THE COUNTY HAS FOR A PARTICULAR VOTER AND THE STATE HAS FOR A PARTICULAR VOTER?

>> GEORGE STANTON: THAT'S EXACTLY IT IN LAYMAN'S TERMS.

>> DOUGLAS KELLNER: HOW IS IT POSSIBLE THAT A RECORD COULD BE IN A COUNTY

SYSTEM AN NOT BE IN THE STATE SYSTEM SO THAT IT DOESN'T HAVE AN EXACT MATCH?

>> GEORGE STANTON: WELL, OF COURSE, DATA IS ENTERED INTO THE LOCAL SYSTEM.

IF FOR SOME REASON THERE IS A GLITCH IN LOCAL SYSTEM OR GLITCH IN COMMUNICATIONS WHERE THAT VOTER DIDN'T GET ENTERED INTO THE STATE SYSTEM,

THEN IT WOULD BE FOUND OUT ABOUT AND ALSO THE AUDIT PROCESS --

THE WAY THE AUDIT PROCESS NORMALLY WORKS, NEW YORK CITY IS DOING WHAT WE CALL AN INITIAL AUDIT.

AFTER WE GOT THE UPLOAD OF THEIR INITIAL DATA, SAY NEW YORK CITY

WOULD SEND ME A VOTER FROM MANHATTAN TO THE STATEWIDE DATABASE AND THEN THEY WOULD FOLLOW WITH AN AUDIT.

IT WOULD BE AUDITED IN REALTIME.

IF THERE'S ANYTHING THAT --

IF THE AUDIT FAILED FOR ANY REASON, SAY WE DIDN'T GET THE EXACT DATA THEY SENT US,

THEY WOULD SEND US AN UPDATE AND THE UPDATE WOULD BE RE-AUDITED UNTIL IT'S IN SYNC.

IT'S A WAY OF KEEPING THE TWO DATABASES SO THE RECORDS ARE IDENTICAL.

>> DOUGLAS KELLNER: RIGHT NOW ROUGHLY HOW MANY VOTERS ARE IN THE DATABASE?

>> GEORGE STANTON: WELL, ACTIVE AND INACTIVE THERE ARE ABOUT 11 MILLION, BETWEEN TWO AND 300,000.

>> DOUGLAS KELLNER: WHAT IS THE ACTIVE NUMBER STATEWIDE?

>> GEORGE STANTON: I DON'T HAVE --

I JUST HAVE THE ACTIVE INACTIVE.

>> DOUGLAS KELLNER: WHAT ARE THE ODDS OF ANYONE BEING NOT IN THE STATE DATABASE

BUT BEING IN THE COUNTY DATABASE, AT THIS POINT?

>> GEORGE STANTON: THERE SHOULDN'T BE.

I WOULD SAY THEY ARE VERY LOW.

I CAN'T GIVE YOU A NUMBER ODDS, BUT THEY WOULD BE VERY LOW.

THE ONLY WAY --

>> DOUGLAS KELLNER: CLOSE TO ZERO IN OTHER WORDS?

>> GEORGE STANTON: IT SHOULD BE CLOSE TO ZERO.

ONLY IF THE COUNTY IS NOT COMMUNICATING WITH THE STATE.

WE KNOW WE HAVE A COUNTY THAT HAS A COMMUNICATION PROBLEM FOR THE LAST THREE OR FOUR DAYS.

ANY VOTERS THEY ARE REGISTERING IN THE SYSTEM WON'T COME TO US UNTIL THEY COME BACK ONLINE

AND I BELIEVE THEY ARE GOING ONLINE TODAY OR TOMORROW.

THEY GO INTO A QUEUE AND THEN ARE SENT TO US.

>> DOUGLAS KELLNER: DOES THERE COME A TIME IN NEW YORK STATE

WHERE WE ACTUALLY FREEZE THE LIST FOR THE PURPOSES OF DETERMINING WHO IS ELIGIBLE

TO VOTE IN THE GENERAL ELECTION?

>> TODD VALENTINE: WELL, YEAH, THE REGISTRATION CUT OFF DEADLINE IS WHAT --

>> DOUGLAS KELLNER: DO WE TAKE THE DATABASE AT THAT POINT AND MAKE A COPY OF IT

AND SAY THAT THIS IS IT OR NOT?

I MEAN, I'VE ALWAYS TAKEN THE VIEW THAT YOU CAN'T DO THAT BECAUSE THERE'S ALWAYS

SOME EXCEPTION OR CORRECTION THAT NEEDS TO BE MADE AND THAT'S THE WHOLE PURPOSE OF AFFIDAVITS.

>> GEORGE STANTON: WE DON'T DO THAT.

>> TODD VALENTINE: WE DON'T FREEZE IT.

THE BASIS FOR THAT, THE WAY IT'S INSERTED IS THE REGISTRATION DATE IS A FIELD WHICH DETERMINES THE CUTOFF DATE.

THAT'S, THAT DOESN'T CHANGE.

WHETHER THE INFORMATION AS, AS CORRECTIONS HAVE TO BE MADE OR MORE LIKELY --

THE MORE COMMON SCENARIO AND YOU SHOULD BE FAMILIAR WITH THIS IN

NEW YORK CITY IS THE CRUSH OF REGISTRATION AT THE LAST MINUTE ARE NOT ALL ENTERED INTO THE SYSTEM.

ALTHOUGH THEY ARE RECEIVED TIMELY AND ELIGIBLE TO VOTE, THERE IS A SEVERAL-DAY DELAY

BETWEEN THE TIME THAT THEY ARE RECEIVED TIMELY AND THEN ENTERED.

SO THEY WOULD NOT APPEAR IN THE SYSTEM AT THAT DATE, BUT THEY WOULD BE REG REGISTERED APPROPRIATELY.

>> DOUGLAS KELLNER: OKAY, I WANTED TO CLARIFY THAT.

NOW, GEORGE, YOU TALKED ABOUT A FIRST-YEAR MAINTENANCE CONTRACT WITH SABER.

CAN YOU TELL US A LITTLE BIT MORE ABOUT THAT?

HOW MUCH MONEY IS INVOLVED AND IS IT BEING PUBLICLY BID?

IF NOT, WHY NOT?

>> GEORGE STANTON: THAT WAS PART OF THE ORIGINAL BID YOU APPROVED

WAY BACK WHEN WITH THE FIRST YEAR'S MAINTENANCE

SUPPORT WITH THE OPTION FOR RENEWING IT FOR TWO MORE YEARS.

IT'S \$1.3 MILLION IT INCLUDES --

THAT INCLUDES 600, I BELIEVE \$650,000 OF IT IS FOR HELP DESK SUPPORT.

THAT'S A FLAT RATE.

THE REST IS BILLABLE AS MAINTENANCE OR ENHANCEMENTS.

THERE'S TWO DIFFERENT CATEGORIES.

AND UP TO A TOTAL OF \$1.3 MILLION.

WE'LL PROBABLY SPEND LESS THAN THAT.

>> DOUGLAS KELLNER: OKAY, THAT'S GOOD.

THEN THE LAST THING --

SORRY ABOUT ALL THIS LONG ITEMS, BUT THERE WAS A LETTER THAT

TOMKINS COUNTY DISTRIBUTED ABOUT FOUR WEEKS AGO COMPLAINING ABOUT NTS.

AND BASICALLY THEY WERE RAISING THE CONCERN THAT NTS HAS BEEN

RAISING THEIR FEES TO THE INDIVIDUAL COUNTIES.

AND THAT IN SOME WAYS THAT THE COUNTIES DON'T REALLY HAVE AN

OPTION TO HIRE ANYONE BUT NTS BECAUSE IT IS NOT FEASIBLE FOR

SOMEONE ELSE TO COME IN FOR ONE COUNTY.

SO WHAT THEY WERE SUGGESTING IS THAT THERE SHOULD BE A STATEWIDE

SUPERVISION OF NTS BIDDING TO HELP TO CONTROL COSTS AND

PERHAPS EVEN TO WORK WITH THE COUNTIES TO COLLECTIVELY BID THE CONTRACT.

HAVE YOU GIVEN ANY THOUGHT TO THAT?

DO YOU HAVE ANY COMMENTS ON THAT?

>> GEORGE STANTON: AS I RECALL THE LETTER, IT WAS FOR THE SUPPORT OF THE INTERFACE.

>> DOUGLAS KELLNER: THAT'S RIGHT, YES.

>> GEORGE STANTON: I KNOW THAT WHEN THE COMMISSIONERS BID ON THE IMPLEMENTATION OF THE INTERFACE, I DON'T THINK THE SUPPORT WAS EVER CONSIDERED.

OF COURSE, THEY RAISED, YOU KNOW, THEY PUT AN ADDITIONAL CHARGE

ON FOR THE SUPPORT OF THE INTERFACE AS IF YOU BUY AN ADD-ON TO ANY SOFTWARE YOU ARE GOING TO GET THAT.

WE HAD GARTNER LOOK AT WHAT THEY WERE CHARGING AT THE TIME AND

LOOKED AT WHAT THE INDUSTRY STANDARD WERE.

INDUSTRY STANDARDS I BELIEVE THEY SAID WERE BETWEEN

20 AND 30 PERCENT OF ORIGINAL PURCHASE COST AN NTS'S RATES FELL WITHIN THAT.

THAT'S THE ONLY CONSIDERATION WE'VE GIVEN TO IT.

>> DOUGLAS KELLNER: AT THIS POINT DO SMALL COUNTIES HAVE ANY OPTIONS OTHER THAN NTS?

>> GEORGE STANTON: NO, IT'S THE SAME WAY IF I BUY

MICROSOFT WORD, I CAN'T HAVE WORD PERFECT DO THE SUPPORT ON IT.

IT'S A LICENSED SOFTWARE.

>> DOUGLAS KELLNER: HOW LONG ARE THEY LOCKED INTO THAT?

>> GEORGE STANTON: THAT WOULD BE AN ANNUAL FEE FOR AS LONG AS THEY USED THE SOFTWARE, I BELIEVE.

>> DOUGLAS KELLNER: AND WELL, DO THEY HAVE OPTIONS TO GET OTHER SOFTWARE?

>> GEORGE STANTON: THEY CAN CHANGE TO ANOTHER ES & S OR ANOTHER --

>> DOUGLAS KELLNER: DO IT ON THEIR OWN?

THE QUESTION IS, ARE WE DOING ANYTHING TO SUPERVISE?

AND YOU DON'T NECESSARILY HAVE TO ANSWER IT NOW,

BUT I WOULD LIKE US TO THINK ABOUT THIS AS AN ISSUE IS,

IS THERE ANYTHING THAT WE CAN DO TO HELP THE COUNTIES CONTROL

THOSE MAINTENANCE COSTS BY ADDING IN COMPETITION OR IN

SOME WAYS SUPERVISING THE VENDOR SO THAT WE CAN MAKE SURE THAT THE

COUNTIES ARE NOT BEING EXPLOITED BY THE POSITION

THAT THE VENDOR HAS BY ALREADY BEING IN PLACE.

>> GEORGE STANTON: I GUESS THAT'S MORE OF A QUESTION FOR O G S THAN FOR ME.

I DON'T KNOW THAT WE CAN GET INVOLVED IN THAT --

>> DOUGLAS KELLNER: EXCEPT CAN WE START TALKING TO OGS ABOUT WAYS TO DO THAT ON BEHALF OF THE COUNTIES?

I SEE THE PROBLEM THAT TOMKINS COUNTY RAISED AND IT LOOKS

LIKE PROBLEMS OTHER COUNTIES ARE HAVING OF THE COUNTIES

HAD THE SAME PROBLEM WITH THE VENDORS SERVING THE AVM LEVER

VOTING MACHINES BECAUSE THEY PERCEIVED THERE'S ONLY ONE OR TWO YEARS LEFT AND THEIR PRICES HAVE QUADRUPLED AND EVEN MORE

IN SOME CASES IN THE LAST YEAR OR TWO.

AND THIS IS AN AREA WHERE PERHAPS WE SHOULD TALK TO OGS ABOUT WHAT

OUR OPTIONS ARE HERE TO HELP THE COUNTIES CONTROL THE COSTS.

>> GEORGE STANTON: I THINK TOM AND MAYBE --

TODD AND BOB MIGHT HAVE HAD --

MAYBE I HAVE THE WRONG PEOPLE.

SOMEBODY HAD A CONVERSATION WITH FRANKLIN, I BELIEVE,

ON THE COST OF ANNUAL SUPPORT FOR THE INTERFACE WHICH WE PAID FOR AND I DON'T KNOW WHAT,

I GUESS IT WASN'T YOU BY THE LOOK ON YOUR FACE.

(LAUGHTER.)

>> TODD: MIGHT HAVE BEEN BOB.

>> : I KNOW.

>>: I KNOW WE RAISED THE ISSUE WITH OGS AND THERE WERE SOME ISSUES ABOUT WHAT MAINTENANCE WE CAN COVER.

WE CAN'T COVER MAINTENANCE FOR STUFF THAT IS LICENSED TO THE COUNTIES.

WE COULD POSSIBLY CONSIDER THE MAINTENANCE THAT WE HAD WITH THE VENDORS,

ALL THE VENDORS THAT WE PAID FOR, COVERED SUPPORT AND MAINTENANCE THROUGH THE END OF THIS YEAR.

AND I THINK FRANKLIN HAD TALKED WITH US BRIEFLY

WHETHER OR NOT WE COULD EITHER EXTEND THAT MAINTENANCE IF THIS WAS THE ITEM THAT NTS,

YOU KNOW, MAYBE WE COULD COVER THE FIRST QUARTER

INTO THE YEAR TO GET US PAST THE PRESIDENTIAL

ELECTION THE BIGGER RISK FOR ROLLING OUT

THE NEW SYSTEM IS IN THE EARLIER DAYS OF USING THE SYSTEM.

ONCE WE STABILIZE THE SYSTEM THERE'S LESS RISK THAT CHANGES WILL BE NECESSARY THAT WERE UNFORESEEN.

OR FRANKLIN I THINK RECOMMENDED --

WE CAN GO BACK AND LOOK AT IT, BUT I DON'T THINK WE HAVE A FINAL ANSWER AS TO WHETHER THERE ARE OTHER AVENUES TO GET THIS ACCOMPLISHED.

>> DOUGLAS KELLNER: ALL RIGHT.

I WOULD JUST LIKE TO PUT THIS SOMEWHERE ON OUR

TO-DO LIST THAT WE ARE THINKING ABOUT THIS AND WHEN

THE RIGHT OPPORTUNITIES COME UP THAT WE RAISE IT WITH

OGS AND PERHAPS EVEN IF IT'S NECESSARY PROPOSE LEGISLATION

IF THE COUNTIES ARE INTERESTED AND ONLY IF THE COUNTIES ARE INTERESTED.

WE WOULD PROPOSE LEGISLATION TO ALLOW THE STATE

TO DO STATEWIDE CONTRACTS THAT THE COUNTIES COULD SUBSCRIBE TO.

JUST AS A MATTER OF HELPING THE COUNTIES SAVE MONEY AND IMPROVING

THE COMPETITIVE POSITION THAT THE COUNTIES HAVE IN DEALING WITH THE VENDORS.

ALL RIGHT.



>>: I'M GOING TO BE RIGHT BACK.

>> DOUGLAS KELLNER: I HAVE ONE OTHER QUESTION, GEORGE.

CAN YOU TELL US IF THERE'S ANYTHING GOING ON OR IN THE WORKS YET ON UPDATING

OUR CAMPAIGN FINANCE DISCLOSURE FILING SYSTEM SO THAT YOU DON'T HAVE TO

USE MICROSOFT WINDOWS TO DO IT?

>> GEORGE STANTON: I HAVE A PERSON WORKING ON A PROTOTYPE THAT I THINK IT'S GETTING

SOMEWHERE TO WHERE WE MIGHT BE ABLE TO LOOK AT IT AND SEE IF IT'S GOING TO WORK.

>> DOUGLAS KELLNER: RIGHT AND GIVE A COST, A BUDGET TO THE LEGISLATURE AND ASK

THEM IF THIS IS SOMETHING THAT THEY WANT TO PAY FOR, WHICH I THINK THE ANSWER WILL BE YES.

BUT IF WE DON'T GET TO A POINT WHERE WE SAY THIS IS HOW MUCH MONEY WE NEED, IT'S NOT GOING TO HAPPEN.

THAT'S ALL, THANK YOU.

>> GEORGE STANTON: ACTUALLY, I HAVE ONE MORE THING.

>> NEIL KELLEHER: SORRY.

>> GEORGE STANTON: NTS CONVERSATION JOGGED MY MEMORY.

I DO HAVE A REQUEST FOR APPROVAL OF A CHANGE ORDER IN THE AMOUNT OF

\$19,545 FOR NTS TO BUILD THE APPLICATIONS AND THEIR SOFTWARE THAT WE NEED

TO GET THE POLLING PLACE INFORMATION FOR OUR POLLING SITE WEB INTERFACE

AND THE STEERING COMMITTEE HAS LOOKED AT THIS AND THOUGHT IT WAS REASONABLE.

>> DOUGLAS KELLNER: DOES THIS REQUIRE COMMISSIONER APPROVAL?

>> GEORGE STANTON: TO SPEND THAT MONEY, I BELIEVE SO, BECAUSE IT'S HAVA MONIES.

>> DOUGLAS KELLNER: ALL RIGHT.

SO MOVED.

>> NEIL KELLEHER: ALL THOSE IN FAVOR?

(ALL MEMBERS RESPONDED "AYE.")

>> NEIL KELLEHER: OPPOSED, NAY.

>> NEIL KELLEHER: ANYTHING ELSE FOR CHARGE?

**WE'LL MOVE ON TO OLD BUSINESS.**

>> DOUGLAS KELLNER: ALL RIGHT.

ON THE OPEN SOURCE VOTING REQUEST, I ACTUALLY DRAFTED A RESOLUTION AND DISTRIBUTED IT.

I HOPE EVERYBODY HAS A COPY OF IT.

TODAY WHAT I WOULD LIKE TO DO IS JUST PROPOSE THAT WE POST THE RESOLUTION ON THE WEB SITE.

YOU CAN IDENTIFY IT AS JUST MY RESOLUTION, IF YOU WANT.

OR I DON'T CARE HOW IT'S IDENTIFIED, WHETHER IT'S PUT UP FOR COMMENTS BY EVERYONE

OR WHETHER IT'S SPECIFICALLY IDENTIFIED AS JUST MINE AS A PROPOSAL.

BUT I WOULD LIKE, YOU KNOW, BY ACTUALLY WRITING A RESOLUTION, I WANTED TO GET THE

DISCUSSION STARTED AS TO JUST HOW TO ADDRESS THIS.

THE VIEW THAT I'M ADVOCATING HERE IS THAT WHERE YOU'RE

USING OPEN SOURCE SOFTWARE WHICH IS NOT

PROPRIETARY SOFTWARE AND THERE'S NO MEANS TO RECOVER ANY COST

OR INVESTMENT ON THIS SOFTWARE BECAUSE IT'S FULL PUBLIC ACCESS, THAT IN THAT CASE WE WOULD PICK UP SOME OF THE COST OF TESTING THAT.

AND THIS WOULD BE A VERY SMALL BUT REAL PUBLIC SUBSIDY FOR PEOPLE WILLING TO USE OPEN SOURCE SOFTWARE.

NOW, ONE OF THE BENEFITS OF OPEN SOURCE SOFTWARE, THE MAIN BENEFIT IS THAT IT IS COMPLETELY TRANSPARENT.

THAT ANYONE WITH COMPUTER SKILLS CAN LOOK AT IT

AND SEE HOW IT WORKS AND HOW IT OPERATES.

SAN FRANCISCO, THE COUNTY OF SAN FRANCISCO RECENTLY ADOPTED

A POLICY THAT THEY ARE ONLY GOING TO USE OPEN SOURCE IN THEIR VOTING SYSTEMS.

THEY ARE IN THE PROCESS OF SWITCHING OVER TO NEW VOTING SYSTEMS

THAT ONLY USE THE OPEN SOURCE MODEL.

WHETHER THAT WORKS OR NOT, WE DON'T KNOW BECAUSE IT HASN'T BEEN TESTED OUT THERE AND HASN'T BEEN PROVEN.

IN NEW YORK THIS WOULD BE A POTENTIAL ALTERNATIVE

DOWN THE ROAD SHOULD IT TURN OUT THAT NONE OF THE VENDORS PASS CERTIFICATION.

HOPEFULLY THAT WON'T HAPPEN BUT IT'S STILL A POSSIBILITY.

SO THE IDEA WOULD BE IF IN FACT THAT SHOULD HAPPEN,

WE WOULD HAVE BEEN DOING SOME DEVELOPMENTAL WORK AT THE STATE BOARD OF ELECTIONS

AND THIS IS JUST ONE ASPECT OF SUPPORTING AN OPEN SOURCE POLICY BY HELPING TO COVER WHAT IS MAINLY,

WHAT IS BECOMING ONE OF THE MAIN BARRIERS TO ENTRY IN THE NEW YORK MARKET WHICH IS THE SORT OF CERTIFICATION.

SO AT THIS POINT IT'S JUST A PROPOSAL BUT I WOULD LIKE TO PUT IT OUT THERE SO EVERYBODY CAN LOOK AT IT AND SEND IN THEIR COMMENTS AND SUGGESTIONS ON IT.

>> HELENA MOSES DONOHUE: I HAVE A QUESTION.

THE PROPOSAL AS REWRITTEN, WHY WAS IT BEGIN TO US AT A FEW MINUTES AFTER 12 BY YOU?

>> DOUGLAS KELLNER: WOULD YOU RATHER POSE THE OTHER PIECE OF PAPER?

I'M TRYING TO PUT A DRAFT ON THE TABLE.

>> HELENA MOSES DONOHUE: I THINK WHAT IT HAS TO DO WITH, SOME OF THIS STUFF EITHER HAS TO BE SENT TO US --

I THOUGHT WHEN I STARTED IN THIS REALM THAT THERE WAS AN EQUALITY OR AS WE REFER TO IT AS BIPARTISAN TYPE OF THING.

ALL OF A SUDDEN I GET HERE AND I GET SOMETHING PUT IN FRONT OF ME.

NOW, I WAS HERE AN HOUR BEFORE THE MEETING STARTED,

BUT I'M A LITTLE BIT OFFENDED BY THIS.

SO I THINK THAT WHATEVER YOU WANT TO PUT FORTH, IT SHOULD EITHER BE,

COME FROM THE FOUR OF US OR THERE SHOULD BE SOME MEETING OF THE MINDS OR JUST PUT IT OUT AS YOUR PROPOSAL.

>> DOUGLAS KELLNER: BUT I AM PUTTING IT OUT AS MY PROPOSAL.

>> HELENA MOSES DONOHUE: I STILL THAT YOU'VE GOT TO --

>> DOUGLAS KELLNER: I CIRCULATED IT.

I THINK YOUR COMMENT OR AT LEAST THE TONE OF IT IS EXTREMELY UNFAIR

BECAUSE I HAVE HAD THIS AS AN AGENDA ITEM EVERY MEETING NOW SINCE AUGUST,

I THINK IT'S BEEN ON THE AGENDA.

WE HAVE TALK ABOUT IT FOR FIVE MINUTES AT THE END OF EACH MEETING.

>> HELENA MOSES DONOHUE: WE DID TALK ABOUT IT.

>> DOUGLAS KELLNER: I HAVE SENT, I HAVE CIRCULATED PRELIMINARY DISCUSSION DRAFTS AND IN ALL FAIRNESS,

COMMISSIONER, YOU DON'T HAVE E-MAIL

SO I CAN'T E-MAIL YOU THE SAME THINGS THAT I E-MAIL THE STAFF,

BUT I HAVE BEEN CIRCULATING THIS STUFF.

NOW, THIS PARTICULAR VERSION IS A REVISION OF WHAT I SENT OUT

ON THURSDAY INCORPORATING COMMENTS THAT PEOPLE SENT ME ON THURSDAY.

BUT YOU KNOW, IF YOU PREFER TO PUT UP WHAT I SENT OUT ON THURSDAY, FINE.

I'M JUST TRYING TO GET SOMETHING ON THE TABLE TO PROMOTE DISCUSSION AND MOVEMENT ON THIS ISSUE.

AND I DON'T MIND IF IT'S IDENTIFIED AS JUST MINE.

>> HELENA MOSES DONOHUE: I'M IN FAVOR OF DISCUSSION IF IT'S OPEN AND THINGS ARE BROUGHT TO US.

THAT'S WHAT I'M TRYING TO SAY HERE.

>> DOUGLAS KELLNER: WHAT HASN'T BEEN BROUGHT TO YOU?

THAT'S WHAT I'M SAYING.

I HAVE TALKED ABOUT THIS.

>> EVELYN AQUILA: HE SAID HE'S JUST PUT IT FORWARD FOR US TO  
LOOK AT TODAY AND NOT TO DISCUSS IT UNTIL NEXT TIME, NEXT  
MEETING.

>> HELENA MOSES DONOHUE: OKAY, BUT AS LONG AS I UNDERSTAND  
WHERE

YOU'RE COMING FROM ON THIS BECAUSE IT IS SOMETHING THAT WE ALL  
HAVE TO UNDERSTAND BEFORE WE VOTE.

I MEAN, I UNDERSTAND.

>> DOUGLAS KELLNER: RIGHT.

>> HELENA MOSES DONOHUE: I UNDERSTAND THE CONCEPT AND I ASKED  
THE QUESTIONS.

I JUST LIKE TO HAVE A LITTLE BIT OF, YOU KNOW, UP FRONT --

YOU KNOW WHERE I AM.

YOU KNOW HOW TO GET IN TOUCH WITH ME.

>> EVELYN AQUILA: IT'S A SERIOUS QUESTION AND THAT'S

WHY WE WILL WAIT UNTIL THE NEXT MEETING AND MAYBE WE EVEN  
THEN WON'T HAVE AN ANSWER.

BUT NOW WE HAVE IT IN FRONT OF US AS A PROPOSAL AND SEE WHERE  
WE'RE GOING WITH IT.

>> NEIL KELLEHER: HOW FAR, DOUG, THE DISTRIBUTION OF YOUR  
SUGGESTION HERE,

IS THIS IN THE HANDS OF THE LOCAL BOARDS?

>> DOUGLAS KELLNER: NOT YET.

I THINK THAT'S WHY WE SHOULD POST IT AND START GETTING  
COMMENTS ON IT.

I'M TRYING TO MOVE THE BALL, THAT'S ALL.

WE GOT A LETTER.

WE'VE TALKED ABOUT THE LETTER FOR A FEW MINUTES.

I'VE ASKED STAFF TO LOOK AT THIS.

AND SO I SAT DOWN AND I ACTUALLY DRAFTED SOMETHING TO PUT ON THE TABLE WHICH WOULD BE A POLICY ON WHEN --

AND THE IDEA IS NOT TO FAVOR ANY ONE VENDOR.

BECAUSE THE REQUEST ORIGINALLY CAME FROM A VENDOR.

FROM OPEN VOTING SOLUTIONS.

THE BIGGEST PROBLEM WITH OPEN VOTING SOLUTIONS IS THAT

I DON'T BELIEVE THAT ANYBODY HERE, INCLUDING MYSELF,

IS CONVINCED THAT THEY ACTUALLY HAVE A SOLUTION RIGHT NOW.

THAT THEY HAVE A SYSTEM THAT THEY COULD PASS CERTIFICATION.

IF THEY DON'T HAVE A SYSTEM THAT SHOULD PASS CERTIFICATION,

WHY SHOULD WE GO TO THE EXPENSE OF TESTING IT ONLY TO REJECT THE CERTIFICATION APPLICATION?

SO MY PROPOSAL ON HOW TO RESPOND TO THAT REQUEST WHILE STILL

INDICATING AN OPENNESS TO THE GENERAL QUESTION IS TO LAY OUT

GUIDELINES AS TO WHEN WE WOULD CONSIDER

FEE WAIVERS AND WHEN WE WOULDN'T.

THE PROPOSAL THAT I'VE WRITTEN STILL REQUIRES A DETERMINATION BY THE

COMMISSIONERS TO ACTUALLY DO A FEE WAIVER, BUT THE IDEA HERE WOULD BE

TO GIVE VENDORS AND PEOPLE IN THE COMMUNITY WHO ARE THINKING OF WHETHER

OR NOT THEY WANT TO ACTUALLY TRY TO PUT TOGETHER A SYSTEM THAT NEW YORK COULD USE,

THESE WOULD BE THE GUIDELINES ON WHEN WE WOULD CONSIDER WAIVING

THE CERTIFICATION FEES AS A MEANS OF PROMOTING OPEN SOURCE VOTING.

SO THAT'S ONE ISSUE, WHETHER YOU WANT TO PROMOTE IT.

I THINK IT'S A GOOD THING TO PROMOTE.

TWO IS HOW DO YOU DEAL WITH THE PROBLEM THAT IF THEY ARE USING SOMETHING THAT IS GOING TO BECOME FREE AND PUBLIC SOURCE CODE, THAT THEY WOULD EVER BE ABLE TO RECOVER THAT COST BECAUSE THE

ANSWER IS IF IT'S GOING TO BE FREELY AVAILABLE TO THE PUBLIC,

THERE'S NO WAY THEY ARE GOING TO BE ABLE TO CHARGE BACK FOR USING THAT.

AND SO WHAT NEW YORK IS SAYING IS IN RETURN FOR MAKING IT FREE AND PUBLIC,

THAT WE WOULD SUBSIDIZE THE PART OF THE CERTIFICATION FEES THAT ARE INVOLVED

IN TESTING THAT FREE SOFTWARE.

I'VE CAREFULLY LOOKED AT THE APPROPRIATION THAT THE LEGISLATURE GAVE US THIS YEAR.

I BELIEVE THAT THIS LANGUAGE IS COMPLETELY CONSISTENT WITH THE LEGISLATIVE APPROPRIATION.

AND I DO SEE THAT WE DID PUT IN SOME MONEY IN THE BUDGET TO RENEW

THIS FOR NEXT YEAR AND SO I THINK THAT THIS IS WORKABLE.

AT THIS POINT IT'S JUST A PROPOSAL.

I WOULD LIKE PEOPLE TO LOOK AT IT, COMMENT ON IT, AND MAKE AS MANY SUGGESTIONS AS THEY CAN,



INCLUDING IF PEOPLE ARE AGAINST OPEN SOURCE, THEN WE SHOULD JUST REJECT IT.

>> EVELYN AQUILA: WE'LL LOOK AT IT AT THE NEXT MEETING.

THAT'S FAIR.

GIVES US A MONTH TO LOOK AT IT, OR WHATEVER, THREE WEEKS.

>> NEIL KELLEHER: I WOULD SUGGEST THAT ALL THE LOCAL BOARDS BE NOTIFIED.

>> EVELYN AQUILA: THIS ISN'T REALLY SOMETHING FOR THEM.

I DON'T MIND SHARING IT WITH THEM, DON'T GET ME WRONG, BUT THEY WOULDN'T BE INVOLVED IN THIS,

WOULD THEY PARTICULARLY?

>> NEIL KELLEHER: WHY NOT LET THEM?

IF THEY HAVEN'T GOTTEN ANYTHING TO SAY --

UNLESS THEY ARE NOTIFIED, OR THE ONCE WHO HAVE ALREADY QUALIFIED AND PAID THEIR FEE --

>> EVELYN AQUILA: THEIR FEE, YES.

>> NEIL KELLEHER: A BIG FEE.

WE CAN EXPECT SOME ACTION FROM THEM WHEN ALL OF A SUDDEN A

BUNCH OF PEOPLE ARE GOING TO BE ALLOWED TO PARTICIPATE WITHOUT BENEFIT OF THE FEE.

I THINK THAT'S GOING TO BE INTERESTING WHEN THEY FIND OUT.

>> EVELYN AQUILA: I ASKED DOUG SOME OF THESE SAME QUESTIONS.

>> DOUGLAS KELLNER: IT DOES NOT PROVIDE THAT THEY CAN DO IT FOR FREE.

THEY HAVE TO PAY BASIC FEES AND THE ONLY PART OF THE FEE THAT WOULD BE WAIVED IS

THE COST OF THE TESTING OF THE OPEN SOURCE SOURCE CODE BUT THE REST OF

THE TESTING WOULD BE SUBJECT TO THE REGULAR FEES.

BUT HOW THIS IS POLISHED UP, AS I SAY, IT'S ONLY A PROPOSAL TO GET IT ON THE TABLE AND TO SOLICIT COMMENTS AT THIS POINT.

>> NEIL KELLEHER: LET'S SEE WHAT THE COMMENT IS.

OKAY.

MOVE ALONG TO, STILL ON OLD BUSINESS.

ANYTHING ON OLD BUSINESS?

>> EVELYN AQUILA: BEFORE WE MOVE OFF OF OLD BUSINESS,

IF THERE'S NOTHING ELSE, I WANTED TO MAKE A PERSONAL REMARK ABOUT

WHAT I READ IN SOME OF THE COUNTY NEWSPAPERS AND I THINK IT WAS ERRONEOUS

AS FAR AS I WAS CONCERNED AND I THINK DOUG INDICATED THE SAME THING.

THEY SAID THAT IT'S OBVIOUS AT THE BOARD THAT THE TWO DEMOCRAT CAN COMMISSIONERS

ARE OPPOSED TO ELECTRONIC VOTING MACHINES.

AND I'M INTERESTED IN WHAT THEY SAID ABOUT ME.

THEY SAID SOMETHING ABOUT THE REPUBLICAN COMMISSIONERS BEING FOR ELECTRONIC MACHINES BUT NOT FOR BALLOT MARKING DEVICES.

AS FAR AS I'M CONCERNED, THAT'S UNTRUE.

I WILL CERTIFY ANY MACHINE, ANY KIND, SOMETHING THAT IS NEW EVEN THAT COMES

DOWN THE PIKE TO US THAT MEETS THE STANDARD, THE FEDERAL STANDARDS AND OUR STATE STANDARDS.

THE TYPE OF MACHINE IS UP TO THE COUNTIES.

THE COUNTIES PICK THE TYPE OF MACHINE THEY WANT.

OUR JOB IS TO CERTIFY.

THEIR JOB IS TO GO OUT AND BUY WHAT THEY WANT FOR THEIR COMMUNITIES.

I THINK THAT'S PROPER AND RIGHT.

SO I AM NOT IN FAVOR OF ANY BRAND OF MACHINE, TYPE OF MACHINE.

I'M IN FAVOR OF DOING WHAT'S RIGHT FOR THE PEOPLE OF THE STATE OF NEW YORK AND IF WE SAY THIS MACHINE, JOE BLOW'S MACHINE MET ALL THE REQUIREMENTS,

I WILL CERTIFY THAT MACHINE.

I JUST WANTED TO MAKE THAT CLEAR.

I HAVE NO FAVORITE.

>> NEIL KELLEHER: WHAT DID YOU SAY THE SOURCE OF THIS WAS?  
THIS ATTACK WAS?

>> EVELYN AQUILA: IT WAS IN SEVERAL OF THE NEWSPAPERS.

>> DOUGLAS KELLNER: THERE WAS AN EDITORIAL IN THE ALBANY.

>> EVELYN AQUILA: ALBANY TIMES UNION HAD AN EDITORIAL ABOUT IT.

I WANTED TO CLEAR UP THAT I AM NOT, YOU KNOW, I'M NOT IN FAVOR OF ANYTHING IN PARTICULAR, ONLY WHAT WILL BE RIGHT AND AS FAR AS WHAT IS PURCHASED IN THIS STATE,

THOSE PURCHASES WE ALL KNOW ARE GOING TO BE MADE BY THE COUNTY COMMISSIONERS.

>> NEIL KELLEHER: THAT HAS BEEN YOUR POSITION, TOO.

THANK YOU.

>> EVELYN AQUILA: THANK YOU.

>> NEIL KELLEHER: ANYTHING ELSE UNDER OLD BUSINESS?

**IF NOT, WE'LL MOVE ON TO NEW BUSINESS.**

>> DOUGLAS KELLNER: ALL RIGHT.

I HAVE THREE ITEMS, I THINK.

TWO ITEMS --

WELL, I THINK THERE ARE THREE ITEMS ON NEW BUSINESS.

THE FIRST IS WE LEARNED JUST THIS MORNING THAT THE ELECTIONS COMMISSIONERS

IN ONANDAGA COUNTY HAVE TAKEN THE VIEW THAT THEY DO NOT HAVE TO PROVIDE ANY

ACCESSIBLE VOTING MACHINES IN ONANDAGA COUNTY FOR THIS COMING ELECTION.

THEY ALSO SAY THAT THEY SENT A LETTER TO THE EXECUTIVE DIRECTORS

DATED JULY 24 TELLING THE EXECUTIVE DIRECTORS THAT THEY WERE GOING TO DO THAT.

WE ASKED FOR COPIES OF THE LETTERS, WHICH WE GOT AT ABOUT 11:30 THIS MORNING.

THE LETTER IS AMBIGUOUS ON THAT.

AND THE LETTER IS DATED JULY 24, WHICH IS BEFORE THE DATE THAT THE GOVERNOR

SIGNED CHAPTER 506, WHICH WAS PASSED AT THE SPECIAL SESSION OF THE LEGISLATURE.

IT IS MY VIEW THAT THE SECOND PARAGRAPH OF CHAPTER 506 IS

UNAMBIGUOUS IN THE MANDATE THAT EVERY COUNTY MUST HAVE AT LEAST ONE BALLOT MARKING DEVICE IN THAT COUNTY.

AND THAT WE SHOULD THEREFORE --

THEREFORE, I AM PROPOSING THAT WE DIRECT COUNSEL TO SEND A LETTER TO THE ONANDAGA COMMISSIONERS ADVISING THEM THAT CHAPTER 506 REQUIRES --

QUOTE FROM THE STATUTE WHICH SAYS THAT THERE SHALL BE AT LEAST --

LET ME QUOTE THE LANGUAGE EXACTLY.

>> EVELYN AQUILA: I'M SURE THAT TODD WILL GET IT OUT.

>> DOUGLAS KELLNER: OKAY.

>> DOUGLAS KELLNER: THAT THERE BE AT LEAST ONE LOCATION WITH ONE OR MORE BALLOT MARKING DEVICES WHICH ARE EQUIPPED FOR INDIVIDUALS

WITH DISABILITIES AND PROVIDE INDIVIDUALS WITH DISABILITIES WITH THE

SAME OPPORTUNITY FOR ACCESS AND PARTICIPATION AS OTHER VOTERS.

AND SO THAT'S JUST A QUOTE FROM CHAPTER 506 AND THAT WE ADVISE THEM THAT THAT'S WHAT THEY ARE REQUIRED TO DO.

I DON'T THINK THERE'S ANYTHING ELSE THAT WE CAN DO THAT IS APPROPRIATE AT THIS TIME OTHER THAN JUST --

>> EVELYN AQUILA: GIVE TODD A COPY OF THE LETTER.

>> DOUGLAS KELLNER: --

OTHER THAN RELATE THE STATUTE TO THEM AND LET PEOPLE KNOW THAT

IN FACT WE ARE INFORMING THE COUNTIES THAT THEY MUST HAVE AT LEAST THIS ONE DEVICE AT EACH COUNTY.

>> EVELYN AQUILA: PETER, DO YOU REMEMBER GETTING THAT LETTER?

>> PETER KOSINSKI: I DON'T, BUT LEE SHOWED IT TO ME. WE DID GET IT, I WON'T DISPUTE IT.

I DON'T THINK I READ IT IN THE WAY THEY ARE ASSERTING --

>> EVELYN AQUILA: PLEASE ADVISE US AS SOON AS POSSIBLE.

THEY SAID THEY WENT TO THE COUNTY ATTORNEY AND HE SAID TO THEM THEY WERE ON --

MAYBE THEY WENT BEFORE JULY, AUGUST 1ST WHEN THE ADDENDUM TO THE

BILL WAS PASSED THAT SAID THEY HAD TO DO THIS.

I DON'T KNOW.

>> PETER KOSINSKI: I AGREE THAT THE LAW IS UNAMBIGUOUS ON THIS AND THE

COUNTY SHOULD CLEARLY BE FOLLOWING STATE LAW.

>> DOUGLAS KELLNER: THAT'S MY MOTION.

>> NEIL KELLEHER: ALL RIGHT, SIR.

>> DOUGLAS KELLNER: CAN WE CALL A VOTE ON THE MOTION?

>> NEIL KELLEHER: ALL THOSE IN FAVOR?

AYE?

ALL

(ALL MEMBERS RESPONDED "AYE.")

>> NEIL KELLEHER: OPPOSED?

(THERE IS NO RESPONSE.)

>> NEIL KELLEHER: THANK YOU.

>> DOUGLAS KELLNER: ANNA, YOU SAID YOU WANTED A BOARD VOTE ON THE CONTRACT?

>> ANNA SVIZZERO: TO PUT THE CONTRACT OUT, YES, ANTICIPATING THE ADDENDUM.

>> DOUGLAS KELLNER: SO SPECIFICALLY WHAT IS YOUR MOTION?

>> ANNA SVIZZERO: THE RFP TO PROCURE VOTING SYSTEMS OR BALLOT MARKING DEVICES,

THAT THE BOARD AUTHORIZED THAT OGS PUBLISH SAME SO VENDORS CAN PREPARE RESPONSES.

>> DOUGLAS KELLNER: ALL RIGHT.

>> NEIL KELLEHER: ANY COMMENTS?

>> EVELYN AQUILA: I'M SORRY.

>> NEIL KELLEHER: SUGGESTIONS?

ALL THOSE IN FAVOR?

(ALL MEMBERS RESPONDED "AYE.")

>> NEIL KELLEHER: OPPOSED, NAY?

(THERE IS NO RESPONSE.)

>> NEIL KELLEHER: SO MOVED.

>> DOUGLAS KELLNER: MAY I MAKE A FOLLOW-UP QUESTION ON WHAT WE'VE JUST DONE AND

THROW OUT FOR CONSIDERATION BY THE OTHER COMMISSIONERS THAT -  
-

ALL RIGHT.

ANNA, I THINK YOU REPORTED THAT THE STAFF HAS NOT YET COME TO AGREEMENT ON THE SPECIFICATIONS.

>> ANNA SVIZZERO: YES.

>> DOUGLAS KELLNER: NOW, SPECIFICATIONS HAVE BEEN POSTED PUBLICLY ON THE WEB SITE?

>> ANNA SVIZZERO: YES.

>> DOUGLAS KELLNER: OR JUST DISTRIBUTED?

>> ANNA SVIZZERO: POSTED ON THE WEB SITE.

>> DOUGLAS KELLNER: ARE BOTH VERSIONS POSTED AT THIS POINT?

OR IS THERE JUST ONE VERSION POSTED?

>> ANNA SVIZZERO: I THINK THERE'S JUST ONE.

>>: I DON'T THINK THERE IS BOTH VERSIONS.

ONE VERSION IS PUBLISHED BUT IT'S BEING REVISED REFLECTING SOME OF THE COMMENTS.

>> DOUGLAS KELLNER: RIGHT.

ARE THERE REVISIONS THAT ARE SIGNIFICANT?

IN OTHER WORDS, THE VENDORS AREN'T GOING TO BE TAKEN BY SURPRISE IN NOVEMBER WHEN WE GET THE FINAL SPECS?

>> ANNA SVIZZERO: NO, BECAUSE THEY HAVE SEEN THE ORIGINAL DRAFT,

REQUIREMENTS FOR THE BALLOT MARKING DEVICES.

THEY WON'T BE COMPLETELY CAUGHT BY SURPRISE.

>> DOUGLAS KELLNER: MY QUESTION NOW IS, SHOULD WE HAVE ANY DISCUSSION

AT THE COMMISSIONER LEVEL OF ANY OF THESE ISSUES THAT HAVE PREVENTED THE

STAFF FROM COMING TO AGREEMENT ON THE REVISIONS TO THE SPECIFICATIONS?

ESPECIALLY SINCE WE PROBABLY WON'T BE MEETING BEFORE NOVEMBER 2.

>>: WELL, WE MET WITH BOB AND ANNA AND DISCUSSED OUR CONCERNS

WITH SOME OF THE CONCERNS ON THE BALLOT MARKING DEVICES AND WE HAVEN'T HEARD BACK YET.

WE ARE WAITING.

>> DOUGLAS KELLNER: WELL, BOB OR ANNA, YOU WANT TO RESPOND?



IT'S NOT NECESSARILY, I'M NOT CONCERNED ABOUT WHO IS DOING WHAT.

MY REAL CONCERN IS, DO THE VENDORS KNOW WHAT THE ISSUES ARE? SO THAT THERE AREN'T GOING TO BE ANY SURPRISES?

>> ANNA SVIZZERO: NO, I DON'T THINK THAT THEY DO, TO BE HONEST WITH YOU.

WHEN WE LAST MET IT WAS A WORKING MEETING.

WE TRIED TO WRAP UP THE SECOND HALF OF THOSE REQUIREMENTS SO THEY COULD APPEAR IN THIS DOCUMENT.

AND PETER AND ALLISON IDENTIFIED THE SECTION THAT IS THEY HAD ISSUE WITH.

WE DIDN'T TALK ABOUT ALTERNATIVE LANGUAGE, ONLY THAT THOSE WOULD BE THE AREAS THAT WE NEED TO VISIT WHEN WE NEXT SIT DOWN.

>>: WE EXPLAINED WHAT THE ISSUES ARE IN A GENERIC WAY.

WE CAN TALK SPECIFICALLY, IF YOU LIKE, BUT THE GENERIC

ISSUE WAS THAT WE UNDERSTOOD THAT THE GOAL HERE WAS TO TAKE THOSE

ELEMENTS OF THE FEDERAL VBSG, THE STATE LAW AND THE STATE REGULATIONS,

THAT WE'VE ALREADY APPROVED OR HAVE BEEN APPROVED AT THE FEDERAL LEVEL OR STATE,

AND APPLY THOSE TO BALLOT MARKING DEVICES SO THAT WE WERE ATTEMPTING TO LIFT OUT,

IN ESSENCE, THOSE ELEMENTS OF THOSE PIECES THAT WOULD APPLY TO A MACHINE THAT ONLY MARKED BALLOTS.

REALIZING THAT THERE ARE ANY NUMBER OF THOSE ISSUES THAT

RELATE TO THE BALLOT COUNTING PORTION OF THE MACHINE NOT THE BALLOT MARKING PORTION OF THE MACHINE.

SO WE DETERMINED THAT IN THE VERSION WE WERE GIVEN THAT THERE WERE ADD-ONS, I'LL CALL THEM.

ITEMS THAT, YOU KNOW, WE --

ALLISON AND I DID NOT FEEL WERE JUST TAKEN FROM

EXISTING SOURCES, BUT HAD BEEN, YOU KNOW, CREATED SPECIFICALLY FOR THIS DOCUMENT

AND SINCE THOSE ISSUES HAVE NOT BEEN AGREED UPON OR VETTED OR DISCUSSED IN ANY WAY,

WE LIFTED THOSE OUT OURSELVES AND SAID THESE NEED

ATTENTION BECAUSE THOSE HAVE NOT BEEN DISCUSSED IN ANY OTHER CONTEXT AND NEED TO BE DISCUSSED HERE.

SO THOSE WERE THE ISSUES, I'LL CALL THEM, THAT WE RAISED AND WANT

TO DISCUSS AND TRY TO COME TO SOME RESOLUTION.

SO IT'S, FROM OUR STANDPOINT IT'S A RELATIVELY SMALL NUMBER OF ISSUES, I THINK.

OF COURSE THERE ARE THE OTHER ISSUES BEING RAISED FROM PUBLIC COMMENTS AND THOSE ARE SEPARATE AND APART.

THOSE ISSUES HAVE BEEN GIVEN TO US IN VARIOUS WAYS, E-MAILS AND WHATEVER.

THOSE ISSUES ARE ALSO BEING DISCUSSED, YOU KNOW, WITH THE STAFF AS FAR AS COMING UP WITH A FINAL DOCUMENT.

BUT WE UNDERSTAND THAT, YOU KNOW,

WE ARE ON A SHORT TIME FRAME BECAUSE WE NEED TO GET THIS DOCUMENT

COMPLETED AND AGREED TO PRIOR TO VENDORS SUBMITTING PROPOSALS

SO THAT THEY DO UNDERSTAND WHAT THE OBLIGATIONS ARE GOING TO BE TO BE A CERTIFIED BALLOT MARKING DEVICE.

>> EVELYN AQUILA: WOULD YOU SAY, PETER,

IS THERE ANY ONE OR WOULD ISSUES THAT ARE VERY SIGNIFICANT?

>> PETER KOSINSKI: I DON'T KNOW IF ANYTHING IS MORE SIGNIFICANT THAN ANYTHING ELSE.

YOU KNOW, I THINK THERE ARE CLEARLY ISSUES IN THE SENSE THAT THEY CREATE NEW OBLIGATIONS ON VENDORS THAT HADN'T BEEN THERE BEFORE AND WE JUST WANTED TO UNDERSTAND THE IMPACT OF THOSE, THE IMPORT OF THOSE, THE NEED FOR THOSE BEFORE WE

WOULD IMPOSE THOSE BECAUSE WE DON'T WANT TO START IMPOSING THINGS THAT AREN'T NECESSARY.

THIS IS ALREADY A VERY RIGOROUS CERTIFICATION PROCESS.

WE ARE UNDER, YOU KNOW, TIME CONSTRAINTS WHICH WE ALL UNDERSTAND.

SO WE JUST WANT TO MAKE SURE THAT WE'RE DOING WHAT WE HAVE TO DO.

>> EVELYN AQUILA: BOB, DO YOU HAVE ANYTHING TO ADD TO THAT?

>> BOB BREHM: I AGREE THERE ARE FEWER ISSUES LEFT ON THE TABLE.

THERE'S ONE THAT'S KIND OF LARGER THAN THE OTHERS AND THAT'S THE REQUIREMENT OR NOT TO HAVE A REQUIREMENT FOR A BALLOT MARKING

DEVICE TO PRINT OR DISPLAY THE FULL-FACE BALLOT.

DEPENDING ON HOW THAT DECISION IS MADE OR HOW THAT WORDING IS DECIDED UPON, THAT KIND OF SETTLES THE LITTLE ONES THAT ARE ELSEWHERE IN THE DOCUMENT.

>> PETER KOSINSKI: IT IS AN ISSUE, IN RESPONSE LET ME JUST SAY THAT IT SEEMS TO ME THAT ISSUE WHEN IT WAS RAISED WITH US DOES NOT IMPACT ONLY BALLOT MARKING DEVICES BUT IS AN ISSUE THAT WE SEE AS GOING TO ULTIMATE, YOU KNOW, VOTING MACHINES, VOTING SYSTEMS THEMSELVES BECAUSE THAT'S AN ISSUE OF WHAT TYPE OF PAPER RECEIPT OR PAPER DOCUMENT HAS TO BE PRODUCED BY A VOTING SYSTEM. OR BY A VOTING MACHINE OR IN THIS CASE BY A BALLOT MARKING DEVICE. IT SEEMS TO US IT'S A BIGGER ISSUE, FRANKLY THAN BALLOT MARKING DEVICES. BUT THAT WENT TO THE ISSUE OF WHAT KIND OF PAPER HAD TO BE PRODUCED BY ANY VOTING SYSTEM IN THE STATE, INCLUDING THE, AS WE'RE CALLING THEM, PLAN A VOTING SYSTEMS. AND YOU KNOW, PART OF OUR CONCERN WAS THAT THIS ISSUE WAS COMING UP NOW AT THIS DATE AFTER WE HAD HAD THIS ISSUE OF BALLOT RECEIPTS OUT THERE FOR SOME TIME. THIS IS THE, SINCE THE STATE LEGISLATURE ADOPTED THAT TWO YEARS OR MORE AGO. AND WE WANTED TO MAKE SURE THAT WE WERE ALL AWARE OF THE ISSUE THAT IT WAS LARGER, AS I SAID, THAN JUST BALLOT MARKING DEVICES.

>> EVELYN AQUILA: THIS IS JUST A QUESTION, NOT REALLY ABOUT US. I KNOW THIS FULL FACE BALLOT IS A QUESTION WE HAVE BEEN DEALING WITH FOR QUITE SOME TIME ON THESE MACHINES.

IS THERE ANY STATE IN THE UNITED STATES THAT HAS THE FULL  
FACE BALLOT AND HAS THE RECEIPT FROM THAT?

YOU KNOW, SOMETIMES WE KILL OURSELVES LOOKING FOR ANSWERS  
AND MAYBE SITTING SOMEPLACE NOT FAR AWAY THEY HAVE IT AND  
THEY'RE DEALING WITH IT.

YOU KNOW WITH A I'M SAYING?

HAVE WE EVER, IS THERE ANY WAY TO PUT IT ON THE WEB,  
WILL SOMEBODY RESPOND TO US OR SOMETHING?

I DON'T KNOW HOW YOU LOOK INTO THESE THINGS BUT I OFTEN  
WONDER,

SOME OF THE THINGS WE GRAPPLE WITH, MAYBE SOMEBODY HAS  
SOLVED.

UNLESS YOU THINK THE VENDOR WOULD COME IN AND SAY WAIT, WE  
SOLVED THAT.

WE DO THIS IN MAINE OR WE DO THIS IN WISCONSIN.

I DON'T KNOW.

I KNOW THE FULL FACED BALLOT FOR SOME, TO SOME DEGREE HAS BEEN  
DIFFICULT,

ESPECIALLY THE RECEIPT.

I DON'T KNOW IF I WASTED YOUR TIME FOR A MINUTE OR TWO MINUTES  
THERE,

BUT I JUST THROW IT OUT AS A TALKING POINT, A THINKING POINT.

I DON'T KNOW WHAT.

>> PETER KOSINSKI: JUST FROM OUR STANDPOINT THIS HAS BEEN AN  
ISSUE --

I DON'T KNOW IF I CAN SAY IT HAS BEEN AN ISSUE, BUT THE  
MACHINES THAT HAVE

BEEN BROUGHT TO US FOR CERTIFICATION AS FULL VOTING SYSTEMS,  
THE RECEIPT THAT'S PRODUCED IS NOT A FULL FACED BALLOT.  
NO QUESTION, IT'S NOT.

>> EVELYN AQUILA: I KNOW.

>> PETER KOSINSKI: THE LAW SEEMS TO ANTICIPATE THAT,  
I MIGHT ADD, BY USING A DIFFERENT TERM.  
IT DIDN'T USE THE WORD BALLOT.

IT USED THE WORD RECORD.

>> EVELYN AQUILA: RECORD, RECORD.

>> PETER KOSINSKI: RATHER THAN BALLOT.

SO IT SEEMED TO RECOGNIZE THAT VOTING, NOT EVERY VOTING SYSTEM  
WOULD PRODUCE

A FULL BALLOT AT THE END OF THE PROCESS.

BUT CERTAINLY WE THOUGHT THAT THERE NEEDS TO BE A FULL FACE  
BALLOT AT THE BEGINNING OF THE PROCESS.

>> EVELYN AQUILA: YEAH, BECAUSE THAT'S THE LAW IN THIS STATE.

>> PETER KOSINSKI: RIGHT, AS THE VOTER COMES IN AND IS PRESENTED  
THE BALLOT,

IT HAS TO BE PRESENTED AS A FULL FACE BALLOT, BUT THE SAME  
REQUIREMENT DIDN'T EXIST ON THE RECEIPT END.

THE LAW USED A DIFFERENT TERM, NOT BALLOT BUT RECORD.

THIS IS NOT AN ISSUE REALLY UNTIL NOW, BUT IT DOES SEEM AS THOUGH  
IT IS AN ISSUE APPARENTLY WITH BALLOT MARKING DEVICES WHICH  
ULTIMATELY CAN GO TO THE FULL VOTING SYSTEMS.

>> EVELYN AQUILA: OKAY, THANK YOU, PETER.

>> NEIL KELLEHER: DOUG?

>> DOUGLAS KELLNER: I WOULD LIKE TO SAY THAT I AGREE COMPLETELY WITH YOUR PHILOSOPHY ON THIS,

PETER, THAT THESE SPECIFICATIONS SHOULD REFLECT ONLY

WHAT IS IN THE STATUTE AND THE REGULATIONS AND SHOULD NOT

GO BEYOND THE STATUTE OR THE REGULATIONS.

AND I THINK THAT THAT'S OUR JOB AS FAR AS WHERE PEOPLE ADD FEATURES

THAT ARE POSITIVE FEATURES, THEN THAT SHOULD BE A MARKETING DECISION THAT'S USED

BY THE LOCAL BOARDS WHEN THEY DECIDE WHETHER TO BUY THAT PRODUCT,

BUT OUR CONTRACT BIDDING SPECIFICATIONS SHOULD CONFORM TO THE REGULATIONS AND TO THE STATUTE.

THAT BEING SAID, I THINK I ALSO AGREE WITH YOUR INTERPRETATION

THAT THE NEW YORK LAW DOES NOT REQUIRE, IN QUOTES, A FULL FACE

BALLOT FOR THE VOTER VERIFIABLE PAPER TRAIL THAT'S DESCRIBED IN SECTION 7-202.

ON THE OTHER HAND, I DO BELIEVE THAT THE USE OF THE WORDS

BALLOT AND I'VE SEEN SOME OF THE VOLUNTEERS HAVE PUT TOGETHER

LEGAL MEMOS ON THIS, THAT THE USE OF THE LANGUAGE WOULD REQUIRE

THAT THE BALLOT MARKING DEVICE GENERATE A PIECE OF PAPER THAT

COMPLIES WITH ELECTION LAW 7-104 AND 7-106.

SO THAT I DO BELIEVE THAT ON A LEGAL BASIS WE SHOULD BE MAKING

IT CLEAR THAT IN ORDER TO BE A BALLOT MARKING DEVICE, YOUR FINAL

WORK PRODUCT HAS TO BE A BALLOT THAT COMPLIES WITH THE STATUTORY

REQUIREMENTS FOR A BALLOT IN NEW YORK STATE.

AND HOW YOU GET TO THAT BALLOT IS ANOTHER QUESTION.

OBVIOUSLY, A BLIND VOTER IS NOT GOING TO BE ABLE TO GET WHAT WE CALL A FULL FACE BALLOT BECAUSE IF THE VOTER IS VISUALLY

IMPAIRED THEY ARE NOT GOING TO BE ABLE TO SEE COLUMNS AND ROWS OF

CANDIDATES AS SECTION 7-104 REQUIRES.

SO WE HAVE TO MAKE ACCOMMODATIONS IN THE BEST WAY WE CAN TO ACHIEVE THAT.

BUT I DO APPRECIATE THAT EVERYBODY IS STILL WORKING TOGETHER TO TRY

TO KEEP THE PROCESS GOING AND I HOPE THAT WE CAN DO THAT IN A POSITIVE WAY AND --

>> PETER KOSINSKI: BY THE WAY, I WANT TO MENTION I HAVE NOT BEEN PRIVY TO

THE LEGAL DOCUMENTS YOU REFER TO ABOUT THE BALLOT ISSUE.

I WOULD APPRECIATE SEEING THOSE MYSELF, IF THERE'S A LEGAL DOCUMENT THAT SUPPORTS THAT CONCEPT.

WE CAN, I WOULD LIKE TO LOOK AT IT MYSELF.

THAT WOULD BE CERTAINLY HELPFUL TO MAYBE MOVE THE DISCUSSION.

>> DOUGLAS KELLNER: WELL, FOR THE ANALYSIS.

I THINK YOU SEE FROM THE STATUTORY ANALYSIS IT'S PRETTY HARD

TO ARGUE THAT YOU CAN HAVE A BALLOT MARKING DEVICE THAT DOESN'T GENERATE WHAT WOULD BE A LEGAL BALLOT.

>> PETER KOSINSKI: WELL, I MEAN, JUST --



>> DOUGLAS KELLNER: IT BEGS THE QUESTION: WHAT IS A LEGAL BALLOT?

BUT THE TERM BALLOT IS DEFINED IN THE ELECTION LAW?

1-104.

AS I SAY, I ASKED VOLUNTEERS TO HELP ME PUT ALL THIS TOGETHER.

>> PETER KOSINSKI: WE'LL LOOK AT WHAT THEY INTRODUCED.

>> DOUGLAS KELLNER: OKAY.

THAT'S ALL FOR NOW ON THAT.

BUT I DO WANT TO THANK EVERYBODY FOR KEEPING THE PROCESS MOVING BECAUSE WE ARE STILL ON SCHEDULE AS FAR AS I CAN TELL. WHICH IS GOOD.

>> NEIL KELLEHER: GOOD.

ANYTHING ELSE UNDER NEW BUSINESS?

>> DOUGLAS KELLNER: YES, I HAVE ONE LAST THING.

>> NEIL KELLEHER: DOUG?

>> DOUGLAS KELLNER: I WOULD LIKE TO DISCUSS FOR A MINUTE OR TWO THE OPINION THAT THE ADVISORY COUNCIL ON PROCUREMENT LOBBYING SENT TO ME ON SEPTEMBER 24.

WHICH BASICALLY DECLINED TO ANSWER ANY OF THE QUESTIONS THAT I COMPOUNDED CONCERNING STATE FINANCE LAW SECTION 139J. PAUL IS NEW HERE.

TODD, HAVE YOU HAD A CHANCE TO LOOK AT THEIR OPINION AND MY REQUEST?

AND ...

>> TODD VALENTINE: YEAH, I LOOKED AT IT WHEN I CAME IN.

>> DOUGLAS KELLNER: WHAT I'M RAISING IS THAT I BELIEVE THAT THE COMMISSIONERS STILL NEED GUIDANCE, STILL NEED ANSWERS TO THOSE QUESTIONS.

SINCE THE ADVISORY COUNCIL IS NOT GOING TO PROVIDE THOSE ANSWERS,

I TURN TO TODD AND PAUL TO PROVIDE ANSWERS TO THOSE QUESTIONS

BECAUSE IT'S VERY UNCLEAR TO US WHETHER WE CAN RECEIVE E-MAILS VENDORS AT ALL, WHETHER --

IF THE VENDOR IS COMMENTING ON A REGULATION OR THE PROPOSED CONTRACT DOCUMENTS OR IN THIS CASE WE'VE POSTED FOR

PUBLIC COMMENT THE SPECIFICATIONS FOR THE BALLOT MARKING DEVICES,

AS I SAY, I RAISE THREE SPECIFIC QUESTIONS AND I THINK THAT IN FAIRNESS I NEED ANSWERS TO THOSE QUESTIONS.

>>: ISN'T IT MORE THAN THE VENDORS, YOU'RE TALKING TO THE VENDORS?

DID THEY SAY THAT THE PRESSURE GROUP, INTEREST GROUP TRIED TO CONTACT YOU,

THAT IT BE CLASSIFIED AS A VENDOR AND THEN YOU CAN TALK TO THEM?

>> DOUGLAS KELLNER: THEY ARE ESSENTIALLY SAYING, THEY ARE READING --

THEIR POSSIBLE READING OF STATE FINANCE LAW 139J IS

THAT ANY PERSON WHO COMMUNICATES TO ANYONE OTHER THAN THE DESIGNATED

CONTRACT CONTACT ABOUT ANY OF THE ISSUES THAT RELATE TO A

CONTRACT IS COMMITTING PROCUREMENT LOBBYING IN VIOLATION OF THE STATUTE.

I THINK THAT THAT READING IS FAR OVER BROAD AND WAY BEYOND WHAT

THE LEGISLATURE INTENDED WHEN THEY PASSED THE STATUTE.

BUT IF COUNSEL AGREES THAT THAT IS THE INTERPRETATION, THEN MY LAST QUESTION WAS:

CAN THE COMMISSIONERS BE DESIGNATED AS CONTACT PERSONS?

WHICH I THINK IS NECESSARY IN THIS CASE.

>> EVELYN AQUILA: COULD I SAY SOMETHING?

THREE YEARS AGO ONE OF THE VENDORS SENT ME A LETTER.

SAID RIGHT UP IN THE CORNER WHO IT WAS FROM.

I WAS TOLD WE CANNOT HAVE CONTACT WITH THE VENDORS.

I PLACED IT IN ANOTHER ENVELOPE, MAILED IT TO THEM.

I NEVER CONTACTED THEM, JUST MAILED IT BACK.

I THOUGHT THAT'S WHAT WE WERE SUPPOSED TO DO AT THAT TIME WE

WERE TOLD NO CONTACT WHATSOEVER WITH THE VENDORS.

IN FACT WE WERE EVEN TOLD WHEN WE GO TO THE CONFERENCES THAT WE SHOULD HAVE NO

CONTACT WITH ANYBODY WHO IS REPRESENTING A VENDOR.

AND I NEVER DID.

>> DOUGLAS KELLNER: RIGHT, BUT I DON'T THINK I CAN DO MY JOB AS

COMMISSIONER WITHOUT HEARING FROM EVERYBODY AND BY THE WAY,

THEY ARE NOW SAYING THAT THE WORD VENDOR INCLUDES ANYBODY WHO

COMMUNICATES WITH YOU ABOUT A CONTRACT.

>> EVELYN AQUILA: THAT COULD BE LOBBYISTS, RIGHT?

>> DOUGLAS KELLNER: FORGET LOBBYISTS.

IF COMMON CAUSE CALLED YOU UP AND SAYS, WELL, WE DON'T THINK THAT

YOU'RE INTERPRETING SECTION 7-104 CORRECTLY ON WHAT IS A FULL FACE BALLOT,

THAT'S TECHNICALLY A CONTACT BY THE INTERPRETATION OF SOME OF THE PEOPLE.

>> EVELYN AQUILA: THE TRUTH IS, THEY HAVE LAWYERS HERE AND THEY CAN INTERPRET FOR ME.

>> DOUGLAS KELLNER: THAT'S WHAT I'M ASKING,

FOR THE LAWYERS TO THINK ABOUT THIS AND LOOK AT THE THREE QUESTIONS THAT I POSTED TO THE --

POSED TO THE ADVISORY COUNCIL ON PROCUREMENT LOBBYING AND

PERHAPS GIVE US SOME ADVICE ON THAT SO THAT THE REAL QUESTION

IS IF YOU AGREE WITH THE VERY BROAD INTERPRETATION OF WHAT IS PROCUREMENT LOBBYING,

I THINK THE ONLY RESPONSIBLE ALTERNATIVE IS TO DESIGNATE THE COMMISSIONERS

AND DIRECTORS AS CONTACT PERSONS IN ADDITION TO THOSE PEOPLE ALREADY DESIGNATED AS CONTACT PERSONS.

>>: WE CAN HAVE PAUL TAKE A LOOK AT IT.

>> EVELYN AQUILA: I SEE IT IN ANOTHER WAY.

I DON'T WANT TO BE DESIGNATED AS A CONTACT PERSON.

I DON'T THINK THAT'S MY JOB.

I THINK THAT'S A VERY SLIPPERY SLOPE, MAYBE NOT FOR US BUT FOR PEOPLE WHO FOLLOW US.

AND PEOPLE WHO HAVE BIG OPINIONS ABOUT WHO WE SHOULD BE --

>> DOUGLAS KELLNER: EVELYN, I THINK YOU'RE MISSING THE POINT.

IF SOMEONE CONTACTS US ABOUT, SAY, THE INTERPRETATION OF SECTION

7-104 OF THE ELECTION LAW FOR THE SPECIFICATIONS ON WHAT SHOULD BE A BALLOT MARKING DEVICE --

>> EVELYN AQUILA: THEY CAN GO TO OUR LAWYERS AND TELL THEM.

THAT'S HOW I FEEL ABOUT IT.

>> DOUGLAS KELLNER: THEN WE ARE NOT GETTING DIRECT COMMUNICATIONS.

WE'RE GETTING FILTERED COMMUNICATIONS.

>> EVELYN AQUILA: THAT'S OKAY WITH ME.

I TRUST THE STAFF AND THE ATTORNEYS ON THE BOARD.

ONCE YOU SAY THE WHOLE WORLD CAN START GIVING US LEGAL ADVICE, DOUG --

SOMETIMES YOU ARE GOING TO HAVE FIVE LAWYERS WITH FIVE DIFFERENT OPINIONS.

I PREFER TO TAKE MY LEGAL ADVICE FROM THE PEOPLE WHO ARE EMPLOYED IN THIS,

BY THIS OFFICE TO GIVE ME LEGAL ADVICE.

>> DOUGLAS KELLNER: RIGHT NOW I'M ASKING FOR LEGAL ADVICE.

WILL YOU JOIN ME?

>> EVELYN AQUILA: YES, I WILL, I WILL.

>> HELENA MOSES DONOHUE: THE ONE THING I WOULD LIKE CLARIFIED

IS IF THE VENDORS ARE PROHIBITED FROM CONTACTING US, WHICH THAT'S

WHAT THAT SECTION TELLS ME, THEN YOUR SINGLE INTEREST GROUPS SHOULD BE CLASSIFIED AS LOBBYISTS.

AND THEREFORE, IN THE LONG RUN SHOULD NOT ONLY NOT HAVE  
A WHOLE LOT OF INPUT WITH US, BUT THEY

SURELY SHOULD NOT BE PART OF OUR MEETINGS AS THEY HAVE BEEN IN  
THE PAST.

>> DOUGLAS KELLNER: I DON'T KNOW IF THE LOBBYING LAW APPLIES TO  
STATE BOARDS.

I KNOW IT APPLIES TO LOBBYING THE LEGISLATURE.

>> HELENA MOSES DONOHUE: I DON'T KNOW EITHER, STANLEY, BUT IF  
THE INTERPRETATION IS --

>> EVELYN AQUILA: I SEE THAT COMPLETELY DIFFERENT.

>> HELENA MOSES DONOHUE: I THINK WE BETTER TAKE A SERIOUS LOOK  
AT WHO WE ARE LISTENING TO.

>> EVELYN AQUILA: IF THEY ARE NOT FOR PROFIT GROUPS

AND REPRESENTING CITIZENS, THEY HAVE EVERY RIGHT TO SPEAK TO US.  
THEY HAVE NOTHING TO GAIN.

I SEE A LOBBYIST WHO AS SOMEONE WHO HAS A FINANCIAL GAIN AT THE  
END OF THE DAY.

LEAGUE OF WOMEN VOTERS, OTHER GROUPS REPRESENTING PEOPLE AS  
NOT FOR PROFIT ORGANIZATIONS,

I THINK HAVE A RIGHT TO SPEAK UP FOR

THOSE CAN'T SPEAK UP FOR THEMSELVES OR WHO HAVE DESIGNATED  
THEM TO BE THE SPEAK TO SPEAK FOR THEM.

I SEE THAT DIFFERENTLY THAN SOMEBODY WHO WANTS TO SELL ME  
MACHINES FOR MILLIONS OF DOLLARS.

THAT'S SOMEBODY JUST SPEAKING FOR NOT FOR PROFIT GROUP?

I'M WILLING TO HEAR WHAT THEY HAVE TO SAY.

>> HELENA MOSES DONOHUE: WELL, IF WE KNEW WHAT THEY WERE  
SPEAKING --

>> EVELYN AQUILA: YOU ARE WELCOME TO YOUR OPINION.

>> HELENA MOSES DONOHUE: THANK YOU VERY MUCH.

I'VE ALWAYS HAD IT AND ALWAYS WILL.

>>: BY ANY CHANCE, DID YOU LOOK, DOUG, AT THE FREQUENTLY ASKED QUESTIONS THAT THEY REFERENCED?

>> DOUGLAS KELLNER: YES.

>> STANLEY ZALEN: THEY SAID IN THE LETTER THAT THOSE WOULD BE RELEVANT.

>> DOUGLAS KELLNER: I TAKE IT YOU HAVEN'T LOOKED AT THEM.

WHEN YOU LOOK AT THEM YOU'LL SEE THAT THEY HAVEN'T ANSWERED THE QUESTIONS.

>> NEIL KELLEHER: ALL RIGHT.

ANYTHING ELSE UNDER NEW BUSINESS?

>> PETER KOSINSKI: I HAVE ONE THING.

>> NEIL KELLEHER: PETER?

>> PETER KOSINSKI: LETTER FROM OGS ABOUT OUR CONTRACT NEGOTIATIONS WITH THE VENDORS.

I WANTED TO BRING TO YOUR ATTENTION THAT THEY WERE ASKING FOR THIS OFFICE TO

BE ENGAGED IN THOSE CONTRACT NEGOTIATIONS AND THIS WOULD GO SPECIFICALLY RIGHT NOW TO THE DNDS,

I GUESS, SINCE THEY'RE FIRST UP.

OGS IS ACTUALLY LEADING THE NEGOTIATIONS ON THESE CONTRACTS WITH THE VENDORS.

BUT THEY ARE ASKING FOR THIS OFFICE TO PARTICIPATE.

WHAT THEY WANT IS SOMEONE FROM THIS OFFICE TO PARTICIPATE WITH THE AUTHORITY TO MAKE DECISIONS.

AND SO THEY'VE ASKED US TO HAVE SOMEONE  
AT THESE NEGOTIATIONS SESSIONS WHO WOULD ACTUALLY BE  
IN A DECISION MAKING ROLE AND WOULD HAVE THE AUTHORITY  
OF THIS BOARD TO MAKE THOSE DECISIONS AS THESE CONTRACTS ARE  
BEING NEGOTIATED.

AT THIS POINT WE ARE, WE HAVE BEEN PREPARED TO RESPOND THAT  
THAT'S NOT AVAILABLE.

THAT IN FACT, YOU KNOW, A NO SINGLE STAFF PERSON HAS THAT.

OH, I MIGHT ADD, THEY ALSO WANT SOMEONE WHO IS PREPARED TO SIGN  
UP FOR THE COUNTIES.

BUT I THOUGHT THAT WOULD BE.

(OVERLAPPING SPEAKERS).

(LAUGHTER.)

>> PETER KOSINSKI: I WANTED TO BRING TO THIS BOARD,  
JUST UNDERSTAND THAT IN THIS PROCESS WHICH DOES NEED TO  
BE MOVED ALONG CLEARLY THESE NEGOTIATING SESSIONS MAY TAKE  
TIME.

THERE'S NO QUESTION.

AND THIS WOULD POTENTIALLY EXPEDITE THEM.

I WILL SAY THAT.

IF WE HAD THAT ABILITY TO SIT THERE AND MAKE THOSE DECISIONS  
DURING THE MEETINGS,

IT WOULD EXPEDITE IT.

ON THE OTHER HAND, IT IS AT THE RISK OF DOING SOMETHING THIS  
BOARD WOULD NOT BE COMFORTABLE WITH,

OR WOULDN'T APPROVE.



SO I JUST WANTED TO BRING IT TO YOUR ATTENTION THAT WE HAVE HAD THAT REQUEST FROM OGS.

AT THIS POINT WE ARE PREPARED TO TELL THEM WE SIMPLY

CANNOT MAKE THAT KIND OF REPRESENTATION AT A NEGOTIATING SESSION.

I THINK OUR SUGGESTION IS THAT WE NEED TO BRING

BACK ANY ISSUES THAT COME UP THERE, BACK TO YOU AND BACK TO THE COUNTIES

WHO WERE SO INVOLVED IN CREATING THESE CONTRACTS THAT ARE BEING PUT OUT NOW FOR BID BEFORE THEY CAN.

THIS WILL IMPACT THE TIMING HERE TO PENSIONLY.

THE PROCESS OF GOING BACK IN IS GOING TO BE BURDENSOME

AND WE SHOULD BE THINKING ABOUT A PROCESS HERE THAT WE

CAN USE TO POTENTIALLY STREAMLINE THAT SO THAT WE DON'T GET BOGGED DOWN WITH,

FOR EXAMPLE, COMMISSIONERS HAVING TO COME TO MEETINGS TO,

YOU KNOW, TALK ABOUT ISSUES THAT ARE ARISING IN THESE NEGOTIATIONS

AND TRYING TO COME UP WITH SOME COUNTER PROPOSAL AND, YOU KNOW,

THAT WILL BECOME EXTREMELY TIME-CONSUMING.

WE DO NEED TO FIND A WAY TO MAKE THOSE

DECISIONS IN A TIMELY FASHION.

I CAN CERTAINLY SYMPATHIZE WITH OGS'S WISHES HERE.

I KNOW THAT THEY FEEL THEY HAVE THE OBLIGATION BUT

THEY DON'T HAVE THE AUTHORITY TO SIGN OFF ON THESE THINGS WITHOUT OUR APPROVAL.

SO I JUST WANTED TO RAISE THIS.

I THINK IT'S A LEGITIMATE ISSUE AND WE SHOULD BE THINKING ABOUT A WAY TO TRY TO GET THESE NEGOTIATIONS FINALIZED IN A WAY THAT EVERYBODY IS COMFORTABLE WITH.

>> HELENA MOSES DONOHUE: DO THEY SPEAK WITH YOU AND STANLEY?

>> PETER KOSINSKI: WELL, WE HAVEN'T STARTED THIS YET.

WE COULD DO THAT AND I ANTICIPATE THERE WOULD BE FEEDBACK.

AGAIN, I DON'T THINK STANLEY OR I FEEL THAT WE CAN SIGN OFF EITHER FOR YOU.

WE CAN TELL THEM WHAT WE THINK, BUT THAT WOULD NOT --

THE SIGN-OFF IS NOT NECESSARILY GOING TO CLOSE DOWN THE PROCESS.

>> DOUGLAS KELLNER: MAY I?

>> NEIL KELLEHER: DOUG?

>> DOUGLAS KELLNER: PETER, I CERTAINLY AGREE WITH THE SENTIMENT THAT IT'S VERY HARD FOR THE STATE BOARD OF ELECTIONS TO HAVE ANY ONE PERSON WITH SIGN-OFF AUTHORITY.

ON THE OTHER HAND, I DON'T AGREE WITH THE APPROACH THAT WE'RE TAKING ON THIS.

FIRST OF ALL, I WILL SAY THAT A MONTH AGO I WAS FAIRLY CRITICAL OF OGS AND I HAD BEEN CRITICAL OF OGS FROM THE ONSET OF THE CONTRACT PROCESS IN 2006.

BUT I BELIEVE THAT THERE HAS BEEN A MAJOR TURNING POINT AT OGS IN THE LAST MONTH AND I WANT TO PUBLICLY THANK COMMISSIONER EGAN

FOR REALLY ADDRESSING THE CONCERNS THAT WE'VE RAISED AND THERE HAS

BEEN A SEA CHANGE IN TERMS OF HOW OGS HAS BEEN DEALING WITH BOARD OF

ELECTIONS ISSUES AND I'M VERY GRATEFUL FOR IT.

THE STATUTORY SCHEME IS THAT OGS WOULD DO THESE CONTRACTS.

OGS HAS TO GET APPROVAL OF THE CONTRACTS FROM THE OFFICE OF THE

CONTROLLER AND THEN HAS TO GET A SIGN-OFF FROM THE ATTORNEY GENERAL.

AND THEN WE HAVE TEN DAYS AFTER THAT TO APPROVE OR REJECT THE CONTRACT.

SO THAT OGS DOES NOT NEED STATE BOARD APPROVAL TO DO THE CONTRACT.

AND I DON'T WANT TO ERECT BARRIERS TO OGS BEING ABLE TO FINISH OFF THIS PROCESS.

NOW, MY COMPLAINT IN THE PAST WAS THAT OGS WAS DOING A POOR JOB.

THAT DURING THE OLD ADMINISTRATION WE JUST DID NOT HAVE THE ATTENTION

FROM THE AGENCY THAT WE NEEDED AND NOW THAT COMMISSIONER EGAN HAS HAD ALL

THESE THINGS BROUGHT TO HIS ATTENTION HE HAS REALLY TURNED IT AROUND AND I DON'T

WANT TO SUGGEST THAT OGS DOES NOT HAVE THE ABILITY

TO JUST GO AHEAD AND DO THESE CONTRACTS ON ITS OWN.

I WOULD URGE THEM TO CONSULT WITH THE BOARD, BUT 7-204 GIVES

THEM AUTHORITY TO ENTER INTO THE CONTRACT AND THEN IT'S UP TO THE BOARD TO EITHER APPROVE OR REJECT IT.

CERTAINLY IT WILL WORK FASTER IF WE'RE INVOLVED IN THE PROCESS

ON A CONSULTATION BASIS.

BUT AS FAR AS I'M CONCERNED, COMMISSIONER EGAN HAS THE AUTHORITY TO SIGN OFF

ON THIS AND AS LONG AS HE DOES HIS JOB THOROUGHLY BY CONSULTING WITH THE RIGHT PEOPLE,

HE DOESN'T NEED FORMAL APPROVAL FROM THIS AGENCY.

>> EVELYN AQUILA: I JUST WANT TO SAY I AGREE WITH WHAT YOU HAVE HAD TO SAY,

BUT I'M WONDERING IF OUR REFUSAL TO SEND OR INVOLVE

TWO OF OUR STAFF OR ONE OF OUR STAFF MIGHT BE CONSIDERED BY THEM --

>> DOUGLAS KELLNER: WE'RE NOT --

>> EVELYN AQUILA: HERE WE MOVED EVERYTHING FOR THEM AND NOW WE ARE

ASKING THEM TO PARTICIPATE AND THEY REFUSE.

>> DOUGLAS KELLNER: WE ARE NOT GOING TO REFUSE TO SEND PEOPLE.

>> PETER KOSINSKI: IT'S JUST A QUESTION OF HOW INVOLVED WE ARE GOING

TO BE AND OUR PROCESS HERE IS GOING TO WORK SO THAT THESE CONTRACTS

AS THEY GET FINALIZED BY OGS, THEY HAVE SOME ASSURANCE THAT THEY'VE

DONE A CONTRACT THAT WE WILL APPROVE AND THAT WE WILL SIGN OFF ON AND

THAT ULTIMATE TIME FRAME WHERE WE DO HAVE FINAL APPROVAL

BECAUSE I THINK THEIR EXPERIENCE OVER TIME HAS BEEN THAT WE DO NOT ALWAYS AGREE WITH WHAT THEY HAVE DONE.

SO I THINK THEY'RE SENSITIVE TO THAT, WHICH I APPRECIATE.

BUT I JUST THINK WE NEED TO BE THINKING ABOUT OUR OWN PROCESS  
HERE

TO MAKE SURE THAT WE DO HAVE SOMETHING IN PLACE THAT ALLOWS  
US

TO NOT ONLY HAVE INPUT HERE, BUT I THINK, YOU KNOW,

THE FINAL CONTRACTS AS THEY WERE WRITTEN WITH VERY MUCH

INFLUENCED BY THE COUNTIES AND ULTIMATELY COUNTY DRIVEN I  
WOULD EVEN SAY,

AS THEY SHOULD BE.

THOSE ARE CONTRACTS THE COUNTIES ARE GOING TO HAVE TO LIVE  
WITH

AND AS WE NEGOTIATE, WHICH NECESSARILY MEANS GIVE AND TAKE,  
WE NEED TO

UNDERSTAND WHAT THE IMPACT IS AND THAT ALL THE PLAYERS THAT

HAVE BEEN CONSULTED HERE HAVE THE PROPER INPUT TO MAKE

SURE THAT THEY ARE BEING CONSULTED BEFORE THESE ARE AGREED TO

AND THAT WE DON'T GET TO THE END OF THE PROCESS WITH A  
CONTRACT AND SAY,

I CAN'T AGREE TO THAT.

>> EVELYN AQUILA: I NEVER AGREED TO THAT, RIGHT.

>> PETER KOSINSKI: YOU KNOW, THAT PIECE CAN'T BE IN THERE.

THAT'S A CRITICAL PIECE.

SOMEBODY NEEDS THAT IN THERE.

I JUST WANT TO BRING THAT TO YOUR ATTENTION THAT THIS WILL BE  
GOING ON AND WE NEED TO WORK ON THAT INTERNALLY.

I THINK THE COUNTIES, FOR EXAMPLE, NEED TO GO PART OF THAT.

WE TOOK MONTHS DEALING WITH THE COUNTIES TO GET THE CONTRACTS.

>> DOUGLAS KELLNER: WE KNOW WITH A THE ISSUE IS.

I THINK WE HAVE A PRETTY GOOD IDEA OF WHAT THE ISSUES ARE THAT THE

COUNTIES WHO WORKED ON THAT COMMITTEE ARE INTERESTED IN.

AND OBVIOUSLY IF WE ARE BEING CALLED UPON TO COMPROMISE ON SOME OF THOSE ISSUES,

IT'S APPROPRIATE TO CONSULT WITH THEM.

BUT WE DON'T KNOW YET WHAT THE ISSUES WILL BE IN THE CONTRACT NEGOTIATIONS.

AND WE NEED TO BE FLEXIBLE IN TERMS OF HOW WE RESPOND TO THEM,

BUT I THINK THAT THE TEAM THAT WE'VE HAD TOGETHER OF ANNA, ALLISON AND BOB

WORKING ON THIS HAS WORKED PRETTY WELL.

AND I THINK THE THREE OF THEM ARE PROBABLY IN A POSITION NOW TO DEAL WITH MOST

OF THE ISSUES AND TO UNDERSTAND WHAT OUR CONCERNS ARE, WHAT THE COUNTIES CONCERNS ARE.

CERTAINLY IF THERE ARE SIGNIFICANT CHANGES, I SUGGEST THAT THEY BE CIRCULATED ELECTRONICALLY RIGHT AWAY AND THAT MIGHT ADD A COUPLE OF DAYS.

BUT DAYS, NOT WEEKS OR MONTHS, TO GET THROUGH THIS PROCESS.

>> NEIL KELLEHER: ANYTHING ELSE?

>> DOUGLAS KELLNER: PAUL RAISED HIS HAND.

>> PAUL: I DON'T KNOW IF YOU'VE SEEN COMMISSIONER EGAN'S LETTER.

WHAT HE PROPOSES TO DO IS SIT DOWN WITH THE VARIOUS VENDERS.

>> NEIL KELLEHER: EXCUSE ME, JUST A LITTLE LOUDER.

>> PAUL: SURE. WHAT COMMISSIONER EGAN PROPOSES TO DO IS TO SIT DOWN WITH

THE VARIOUS BIDDERS WHO RESPONDED AND IN THE PROCESS OF

LOOKING AT THE BID AND IN READING HIS LETTER HE WANT TO DO THIS IN A

SHORT TIME FRAME ON A VERY AGGRESSIVE SCHEDULE, HAVING THREE-HOUR

MORNING AND THREE-HOUR AFTERNOON NEGOTIATING SESSIONS.

WHAT HE WANTS IS REPRESENTATIVES OF BOTH POLITICAL PARTIES FROM

THIS ENTITY THERE AT ALL TIMES DURING THOSE NEGOTIATIONS AND

WHAT HE FURTHER REQUESTED IS THAT THOSE REPRESENTATIVES HAVE

THE ABILITY TO SIGN OFF ON BEHALF OF THIS BOARD AND ALSO THE COUNTIES.

WHAT I THINK THEY ARE TALKING ABOUT DOING IS RUNNING THESE

THROUGH IN A VERY, VERY TIGHT TIME LINE TO GET IT DONE AS PART OF

THEIR VERY AGGRESSIVE RESPONSIVENESS IN THE LAST MONTH OR SO TO OUR REQUESTS.

I HAD AT THE REQUEST OF STANLEY ZALEN CIRCULATED AMONG THE STAFF

OF THIS BOARD A PROPOSED LETTER TO COMMISSIONER EGAN LAST FRIDAY,

INDICATING THAT THERE WERE STATUTORY CONSTRAINTS FOR THE DELEGATION

OF THE BOARD'S AUTHORITY TO STAFF AND ANY CONTRACT WOULD, OF COURSE,

HAVE TO BE APPROVED BY THE COMMISSIONERS.

>> DOUGLAS KELLNER: NOT TRUE, PAUL.

SORRY TO INTERRUPT YOU, BUT 7-204 DOESN'T REQUIRE APPROVAL  
OF THE COMMISSIONERS FOR A CONTRACT.

SEVEN-204 PROVIDES THE REVERSE.

THAT THE BOARD HAS TEN DAYS TO VOTE TO REJECT A CONTRACT.

>> PAUL: RIGHT.

>> DOUGLAS KELLNER: BUT THERE IS NO REQUIREMENT THAT THE  
BOARD APPROVE THE CONTRACT.

AND I JUST WANT TO MAKE SURE THAT --

>> PAUL: THAT'S IN MY LETTER THAT APPARENTLY NO ONE HAS  
RESPONDED TO AS YET.

>> EVELYN AQUILA: I THINK --

>> DOUGLAS KELLNER: SORRY FOR INTERRUPTING YOU.

>> TODD VALENTINE: I RESPONDED TO YOU.

>> DOUGLAS KELLNER: I THOUGHT I TALKED TO YOU VERBALLY.

>> EVELYN AQUILA: PAUL, I THINK THAT'S WHY --

>> PAUL: WHAT WE HAVE TO DO IS MAKE EVERY EFFORT TO INTERFACE  
WITH OGS WHERE WE CAN AND TO KEEP THAT GOING.

OTHERWISE THIS PROCESS IS GOING TO GO ON AND ON AND ON.

>> DOUGLAS KELLNER: I THINK THERE'S AGREEMENT ON THAT, PAUL.

I HAVEN'T HEARD ANY DISAGREEMENT ON THAT.

RIGHT?

>> PAUL: IF THE BOARD SAYS WE DON'T HAVE TO APPROVE THE  
CONTRACTS, THAT'S FINE.

BUT I THINK WHAT COMMISSIONER EGAN IS LOOKING FOR IS OUR



REALTIME INPUT AS HIS OFFICE NEGOTIATES THESE CONTRACTS.

>> DOUGLAS KELLNER: AND, PAUL, MY ANSWER TO THAT WHICH

IS WHAT I THOUGHT I TOLD YOU BEFORE, IS THAT ANNA, ALLISON AND BOB

HAVE BEEN THAT TEAM WHO HAVE BEEN WORKING ON THAT.

I MEAN, I'LL LEAVE IT TO PETER IF HE WANTS TO SEND SOMEBODY ELSE AS

A REPUBLICAN, BUT THAT TEAM HAS WORKED VERY WELL ON THESE CONTRACT ISSUES

AND I THINK UNDERSTANDS THE ISSUES, HAS BEEN COMMUNICATING

WITH THE COUNTIES ABOUT THEM AND I BELIEVE THAT THEY ARE IN

A POSITION NOT TO SIGN OFF,

BUT TO GIVE A PRETTY CLEAR STATEMENT OF THE BOARD'S POSITION.

BY THE WAY, THAT'S NOT WHAT HAPPENED IN 2006.

SO COMMISSIONER EGAN HAS A GRIEVANCE BECAUSE COMMISSIONER EGAN HAD THROWN

OUT THEIR DRAFT THAT FIRST DRAFT OF THE CONTRACT WHICH IN MY VIEW WAS GARBAGE

BECAUSE IT DIDN'T EVEN COMPLY WITH THE STATUTORY REQUIREMENTS,

LET ALONE MAKE SENSE FOR THE OTHERS, BUT THAT'S IN THE OLD ADMINISTRATION.

THAT'S BEFORE COMMISSIONER EGAN CAME IN.

>> PAUL: RIGHT.

>> DOUGLAS KELLNER: AND ON OUR SIDE, NOBODY HERE AT THE BOARD OF ELECTIONS

PAID ATTENTION TO IT UNTIL DECEMBER WHEN I STARTED RAISING  
OBJECTIONS THAT

THE CONTRACT DIDN'T COMPLY WITH THE STATUTORY REQUIREMENTS  
AND THEN THE CONTROLLER

AT THE SAME TIME REJECTED ALL OF THE CONTRACTS.

AND BASICALLY AFTER THAT SUDDENLY OGS STARTED TO WAKE UP  
THAT THERE WAS A PROBLEM WITH THIS.

AND THEN WORKING WITH THE BOARD, WE DRAFTED THE CONTRACT.

NOW, THERE'S BEEN A LOT OF FRICTION WITH THE LOWER LEVEL STAFF  
PEOPLE AT

OGS AND THE BOARD OVER THE TERMS OF THE CONTRACT.

BUT I THINK THAT THAT'S BEEN RESOLVED.

ANNA, BOB AND ALLISON CAN REPORT IF I DON'T UNDERSTAND THAT.

AND SO THE NEXT STEP IS FOR OGS WORKING WITH ANNA, BOB AND  
ALLISON

TO NEGOTIATE THE FINE POINTS OF THE CONTRACT AND HOPEFULLY  
RECOGNIZING

WHAT COUNTIES ARE REALLY LOOKING AT.

SO THAT WE DONT GET IN A SITUATION LIKE A BOARD OF ELECTIONS  
THAT I

KNOW WHICH ENTERED INTO A LEASE FOR SPACE IN THEIR BUILDINGS TO  
STORE THEIR

VOTING MACHINES AND THEN FOUND OUT THAT THEY DIDN'T HAVE THE  
RIGHTS TO USE THE ELEVATOR

TO MOVE THE VOTING MACHINES UP AND DOWN BEFORE THE ELECTION.

AND THAT'S WHAT HAPPENS WHEN AN AGENCY ENTERS INTO A  
CONTRACT, YOU KNOW,

WHERE OGS OR THEIR EQUIVALENT ENTERS INTO A CONTRACT AND  
DOESN'T KNOW HOW

THE ACTUAL USER USES THE PRODUCT IN THE END.

>> EVELYN AQUILA: WELL, I THINK COMMISSIONER EGAN HIMSELF HAS TAKEN A PERSONAL INTEREST IN THIS.

I THINK IF WE GET A LETTER FROM HIM ASKING US TO ALLOW

TWO OF OUR STAFF TO ATTEND THESE MEETINGS, I DON'T SAY THAT

THE STAFF CAN SOLVE EVERY SINGLE PROBLEM THAT'S THERE,

BUT NOT ALL OF THEM ARE SO MONUMENTAL THAT THEY HAVE TO BE BROUGHT TO THE COMMISSIONERS.

I THINK I WOULD LIKE, I WOULD LIKE TO SEE US IN SOME WAY

IF WE CAN COMPLY WITH HIS REQUEST BECAUSE I THINK IF WE DON'T, HE'S GOING TO SAY THE HECK WITH THIS.

THEY DON'T WANT TO COOPERATE, WHY AM I BENDING OVER BACKWARDS TO HAVE MY AGENCY COOPERATE.

I THINK IT LOOKS LIKE IT'S A LACK OF COOPERATION FROM THE

BOARD OF ELECTIONS AND I WOULD ASSIGN TWO OF OUR PEOPLE TO GO.

>> NEIL KELLEHER: PAUL, WHEN YOU READ THOSE MATTERS, IS IT

TRUE THAT YOU SAID THAT THEY ARE LOOKING FOR TWO PEOPLE FROM THIS BOARD TO ATTEND?

>> EVELYN AQUILA: YES.

>> NEIL KELLEHER: AND THE SESSIONS WOULD BE THREE HOURS IN THE MORNING,

THREE HOURS IN THE AFTERNOON?

>> PAUL: THAT'S RIGHT, MR. KELLEHER, THEY ARE LOOKING

FOR A REPRESENTATIVE OF EACH POLITICAL PARTY TO ATTEND, OBVIOUSLY.

>> HELENA MOSES DONOHUE: THAT LETTER IS IN YOUR PACKET.

>> EVELYN AQUILA: HOW MANY DAYS ARE THEY TALKING ABOUT?

IT'S A LOT OF TIME, THAT'S THE PROBLEM.

>> DOUGLAS KELLNER: WELL --

>> PAUL: POTENTIALLY.

BUT I AGREE WE SHOULD BE INVOLVED.

DON'T GET ME WRONG HERE.

WE COMMITTED TO BE INVOLVED AND WE WILL BE INVOLVED.

>> EVELYN AQUILA: WE CAN SAY WE CAN SEND SOMEBODY AN HOUR IN THE MORNING, AND HOUR IN THE AFTERNOON --

>> PAUL: IF I CAN READ THE LETTER TO YOU, THE BEST SOURCE.

THEREFORE, OGS IS ASKING SBE TO DESIGNATE A REPRESENTATIVE FROM EACH POLITICAL

PARTY TO PARTICIPATE IN THE CONTRACT NEGOTIATIONS.

THESE INDIVIDUALS SHOULD HAVE FULL AUTHORITY TO BIND THE SBE AND THE COUNTY

BOARDS AT THE NEGOTIATION SESSIONS.

THE INPUT FROM SUCH REPRESENTATION BY SBE WILL PROMOTE THE EVALUATION AND

NEGOTIATION PROCESS, PROVIDING EXPERIENCED SUPPORT FOR PROMPT AND

OPTIMAL CLOSURE OF BIDDERS' ISSUES.

THEN COMMISSIONER, HE GOES ON: WE WILL BE SCHEDULING THE NEGOTIATION

SESSIONS AS SOON AS WE RECEIVE A BIDDER'S LETTER OF INTENT TO BID.

THE SESSIONS WILL RUN APPROXIMATELY THREE HOURS EACH AND WILL BE SCHEDULED

FROM 9:30 A.M. TO 12:30 P.M. AND FROM 1:00 P.M. TO 4:00 P.M.

MORE THAN ONE SESSION IS ANTICIPATED WITH EACH BIDDER

AND THE MEETING REQUESTS TO DEDICATED SBE STAFF WILL REFLECT THAT PLAN.

SO HE'S GOING TO GIVE YOU A SCHEDULE OF WHEN THE NEGOTIATIONS ARE AND HE

WANTS TWO PEOPLE FROM THE STATE BOARD OF ELECTIONS TO BE SITTING THERE.

>> EVELYN AQUILA: VERY SERIOUS REQUEST FROM THE COMMISSIONER.

>> DOUGLAS KELLNER: I THINK IT'S A LEGITIMATE REQUEST.

I INTERPRET THE WORDS WITH FULL AUTHORITY WITH A LITTLE BIT OF A GRAIN OF SALT.

>> PAUL: NOVEMBER 2 IT'S GOING TO START.

>> DOUGLAS KELLNER: WHAT HE MEANS IS NOT TO SEND JUNIOR PEOPLE WHO THEN ONLY HAVE TO REPORT BACK.

IT'S LIKE THE JUDGE WHO SAYS IF YOU'RE COMING TO A PRELIMINARY CONFERENCE,

YOU HAVE TO COME WITH FULL AUTHORITY TO SETTLE.

AND WE ALL KNOW WHAT THAT MEANS.

>> EVELYN AQUILA: NO, WE DON'T.

I'M NOT A LAWYER.

>> DOUGLAS KELLNER: THE LAWYERS HERE DO.

I INTERPRET THAT THE SAME WAY HERE.

THE PEOPLE WE SHOULD SEND SHOULD BE SENIOR ENOUGH THAT THEY UNDERSTAND

WHAT THE COMMISSIONERS ARE WILLING TO DO AND WHAT THEY ARE NOT WILLING

TO DO AND THAT THEY UNDERSTAND WHAT THE ISSUES ARE THAT IF THEY MAKE

CHANGES ARE GOING TO GENERATE ADVERSE COMMENTS FROM THE COUNTIES IN

WHICH CASE THEY NEED TO CONSULT THE COUNTIES.

>> EVELYN AQUILA: THEY MIGHT HAVE TO CONSULT US, TOO, IF THERE'S A TOUGH ISSUE THAT THEY CAN'T AGREE TO, THEY WOULD HAVE TO BRING THAT BACK TO US.

>> DOUGLAS KELLNER: RIGHT.

>> EVELYN AQUILA: I THINK COMMISSIONER EGAN HAS TO KNOW THAT WE WILL COOPERATE BUT WITH SOME CONSTRAINTS. HE NEEDS TO UNDERSTAND WHAT THOSE CONSTRAINTS ARE.

>> DOUGLAS KELLNER: ON THE DEMOCRATIC SIDE, I THINK THAT BOB AND ANNA ARE THE PEOPLE TO DO THAT AND PAUL IF THERE'S LEGAL QUESTIONS --

>> EVELYN AQUILA: THERE'S ALLISON, TOO, THE LAWYER.

>> DOUGLAS KELLNER: I'M TALKING ABOUT THE DEMOCRATIC SIDE. THE REPUBLICANS CAN PICK THEIR OWN PEOPLE.

>> HELENA MOSES DONOHUE: VERY KIND OF YOU.

>> NEIL KELLEHER: WHAT PEOPLE ARE QUALIFIED AS WE SIT HERE, ON THE BASIS OF THE COMMISSIONER'S LETTER, WHAT PEOPLE COULD WE SAY ARE QUALIFIED?

TWO AND TWO.

>> EVELYN AQUILA: ARE WE SUPPOSED TO SEND FOUR PEOPLE?

>> PAUL: NO, TWO A PIECE.

WE WILL HAVE A PERSON, NO QUESTION.

>> HELENA MOSES DONOHUE: THERE'S ANOTHER MISUNDERSTANDING  
IN THAT LETTER AND I THINK IT'S SOMETHING THAT HAS TO BE  
MADE APPARENT TO COMMISSIONER EGAN.

>> EVELYN AQUILA: THAT'S WHAT I SAID.

>> HELENA MOSES DONOHUE: THAT WE CANNOT SPEAK FOR THE COUNTY  
COMMISSIONERS BECAUSE THEY ARE THE GUYS ON THE FRONT LINE AND  
THEY SHOULD BE INVOLVED IN THIS.

AND --

INVOLVED IN THIS AND THEY SHOULD APPOINT WHOM THEY WANT --

>> EVELYN AQUILA: SOMEBODY FROM THE EXECUTIVE COMMITTEE.

>> HELENA MOSES DONOHUE: WE SHOULD COMMUNICATE THAT.

>> EVELYN AQUILA: IF THERE'S FOUR, IT'S ONLY MEETINGS HELL HE WILL  
IT'S NOT GOING TO BE THAT MANY.

>> EVELYN AQUILA: I DON'T THINK SO EITHER. WHAT DO YOU THINK,  
ALLISON?

YOU THINK THERE WILL BE QUITE A FEW?

>> PAUL: HE'S PUTTING THE BALL ON YOUR SIDE OF THE NET.

>> EVELYN AQUILA: ABSOLUTELY.

WE HAVE TO WHACK IT BACK.

WE CAN'T SAY WE'RE GOING TO DO NOTHING.

THEN THEY'RE GOING TO DO NOTHING.

>> HELENA MOSES DONOHUE: RIGHT.

>> EVELYN AQUILA: THEY WILL SAY YOU COMPLAINED ALL ALONG.

THE HECK WITH YOU, YOU WOULDN'T EVEN COOPERATE WITH US.

I RESPECT YOUR OPINION, PETER, YOU KNOW THAT.

>> PETER KOSINSKI: I'M NOT SUGGESTING WE SHOULD SAY NO.

THAT WAS NEVER MY SUGGESTION.

I WAS LOOKING FOR A RESPONSE THAT WAS BEING COOPERATIVE.

MY GOAL IS TO BE COOPERATIVE.

I AGREE WITH YOU.

>> PAUL: NOW, YOUR SUGGESTION IS THAT WE HAVE THREE.

ONE DEMOCRAT, ONE REPUBLICAN AND ONE COUNTY?

>> HELENA MOSES DONOHUE: NO, WE SHOULD SEND THIS

INFORMATION TO THE COUNTY COMMISSIONERS' ASSOCIATION SO THAT  
THEY CAN --

IT'S IN THEIR BEST INTERESTS.

WE CAN'T SAY TO THEM YOU'VE GOT TO SHOW UP,

BUT WE SHOULD OPEN IT UP TO THEM BECAUSE THEY ARE THE GUYS  
WHO ARE GOING TO HAVE TO DEAL WITH THIS.

THIS IS, WE ARE REMOVED.

>> DOUGLAS KELLNER: WE HAVE AN ADVISORY COMMITTEE.

WITH THE COUNTY COMMISSIONERS.

>> EVELYN AQUILA: THEY CAN SEND SOMEONE ELSE.

DOUG: AND THAT ADVISORY COMMITTEE PARTICIPATED IN DRAFTING  
THE REVISIONS TO THE CONTRACT.

I REALLY DO BELIEVE THAT ALLISON, BOB, AND ANNA HAVE A FINGER ON  
THE PULSE OF THE COUNTIES.

THAT THEY WILL HAVE A SENSE OF WHETHER AN ISSUE IS GOING



TO RAISE A CONCERN WITH THE COUNTIES AND IF THEY THINK IT DOES,  
THEN I'M SUGGESTING THAT THAT SHOULD IMMEDIATELY GO OUT AT  
LEAST

TO THE ADVISORY COMMITTEE AND THEN IF THEY THINK IT'S MORE  
IMPORTANT,

TO SEND IT OUT TO ALL THE COUNTIES.

>> EVELYN AQUILA: LET THE ADVISORY COMMITTEE PICK THEIR OWN  
PERSON TO GO.

THEY WON'T FEEL COMFORTABLE UNLESS THEY'RE AT THE TABLE.

THEY WON'T.

>> HELENA MOSES DONOHUE: I THINK IT'S BETTER FOR US TO SAY

WE HAVE TO LOOK OUT FOR OURSELVES, TOO.

IT'S BETTER FOR US IF THEY ARE THERE AND REPRESENTED.

>> EVELYN AQUILA: I AGREE WITH YOU, HELEN.

>> DOUGLAS KELLNER: WE CAN ASK THEM IF THEY WANT TO  
PARTICIPATE.

I DON'T KNOW IF --

>>: BIG TIME COMMITMENT.

>> EVELYN AQUILA: IT'S A BIG COMMITMENT.

DO WE HAVE TO SEND LAWYERS?

DOES IT HAVE TO BE LAWYERS?

>> NEIL KELLEHER: EXCUSE ME.

GO AHEAD.

(OVERLAPPING SPEAKERS).

>> HELENA MOSES DONOHUE: NEW YORK CITY DOES NOT RUN THE  
ELECTION

COMMISSIONER'S ASSOCIATION.

>> DOUGLAS KELLNER: I'M TELLING YOU, THE ONLY PEOPLE WHO HAVE THE RESOURCES,

THAT'S WHAT IS GOING TO HAPPEN, IF YOU FOLLOW --

>> EVELYN AQUILA: LET THEM PICK THEIR OWN PERSON.

>> NEIL KELLEHER: OKAY.

LET'S.

>> EVELYN AQUILA: MAYBE THEY CAN SEND TWO.

LET THEM KNOW ABOUT THAT.

>> DOUGLAS KELLNER: I WANTED YOU TO HAVE THAT IN THE BACK OF YOUR MIND AS TO WHAT WOULD ACTUALLY PLAY OUT.

>> EVELYN AQUILA: ARE THEY MEETING IN THIS BUILDING, ANNA? WOULD THEY MEET IN THIS BUILDING?

>> ANNA SVIZZERO: I DOUBT IT.

>> EVELYN AQUILA: DOUBT IT?

OKAY.

IT'S DIFFICULT FOR ANNA.

BECAUSE MAYBE WE CAN SEND --

>> ANNA SVIZZERO: I CAN GO WHEREVER I NEED TO GO.

>> EVELYN AQUILA: THEY CAN COME.

>> DOUGLAS KELLNER: THEY'LL WORK IT OUT.

>> EVELYN AQUILA: WE SHOULD LEAVE THAT COMMITTEE?

>> DOUGLAS KELLNER: THE REPUBLICAN WILL CHOOSE THEIR OWN PERSON.

YOU AND I ARE NOT GOING TO PICK THE REPUBLICAN.

>> EVELYN AQUILA: I'M SAYING THAT COMMITTEE, THEY HAVE BEEN WORK, ON THIS.

I'M NOT TRYING TO PICK.

>> NEIL KELLEHER: ALL RIGHT.

THAT WAS ALL DISCUSSED VERY INFORMTIVELY.

>> DOUGLAS KELLNER: YOU AND I AGREED THAT IT'S GOING TO BE BOB OR ANNA.

>> EVELYN AQUILA: RIGHT, YOU PICK THE PERSON AND --

>>: SORRY I BROUGHT IT UP.

(CHUCKLES.)

>> NEIL KELLEHER: ANYTHING ELSE UNDER NEW BUSINESS?

>>: I THINK THERE IS ONE MORE ITEM.

A BUDGET ITEM THAT TRACY PUT INTO YOUR PACKET, WHICH IS IMPORTANT BECAUSE IT'S A LOT OF MONEY.

AND PAT IS HERE TO --

I DON'T KNOW IF SHE'S HERE TO PRESENT OR JUST ANSWER QUESTIONS.

THERE IS THIS LETTER TO THE BUDGET DIRECTOR WHICH IS ASKING,

THIS IS WHAT IS CALLED A SIDE LETTER WHICH IS IN ADDITION TO

OUR REGULAR BUDGET PROPOSAL AND THIS WOULD INCLUDE A SIGNIFICANT

AMOUNT OF MONEY PRIMARILY FOR THE ACCEPTANCE TESTING PROGRAM.

SO I THINK THAT THE COMMISSIONERS SHOULD BE AWARE.

YOU'RE PROPOSING WE SEND THIS OVER.

>> DOUGLAS KELLNER: PETER, IT ALSO INCLUDES, I FORGET, WAS 1.5 MILLION FOR ADDITIONAL CERTIFICATION TESTING COSTS THAT ARE NOT FUNDED BY THE VENDORS?

>> PETER KOSINSKI: IS THAT IN THERE, TOO?

>> HELENA MOSES DONOHUE: YES, IT IS.

>>: ADDITIONAL 2.5 MILLION.

>> PETER KOSINSKI: THAT'S OVER AND ABOVE THE FIVE.

>> PAT: WE HAVE 7.5.

>> PETER KOSINSKI: THERE'S MONEY, TOO, FOR THE DATABASE?

>> PAT: RIGHT, THE DATABASE COSTS.

>> DOUGLAS KELLNER: ALL OF THIS COULD BE PAID FROM FEDERAL HAVA MONEY IF APPROPRIATED, RIGHT?

WE DON'T HAVE ENOUGH HAVA APPROPRIATION LEFT, RIGHT?

>> PAT: TODAY WE EARNED ENOUGH INTEREST TO COVER THE 15 AND THE 12 GIVEN TO

THE COUNTIES AND WITH ABOUT FIVE MORE MONTHS WE'LL HAVE MORE.

WE'LL HAVE THE 5 MILLION THEY GAVE US LAST YEAR FOR THE VOTING CERTIFICATION.

WE'RE ASKING FOR ADDITIONAL 2.5.

WORST CASE SCENARIO FOR THE ACCEPTANCE TRAINING IS TEN MEDICAL.

10.5.

I WOULD SAY BY DECEMBER OF NEXT YEAR WE SHOULD BE ABLE TO EARN THE INTEREST TO COVER THAT.

>> EVELYN AQUILA: OKAY.

>> DOUGLAS KELLNER: GREAT.

>> EVELYN AQUILA: WE NEED A VOTE?

>> PETER KOSINSKI: WE WOULD LIKE A VOTE.

FOR A BUDGET --

>> NEIL KELLEHER: ON THE MOTION, ALL THOSE IN FAVOR.

(ALL MEMBERS RESPONDED "AYE.")

>> NEIL KELLEHER: NAY?

(THERE IS NO RESPONSE.)

>> NEIL KELLEHER: STILL ON NEW BUSINESS?

IF NOT, WE WILL ADJOURN THE REGULAR MEETING.

>> DOUGLAS KELLNER: CAN WE TALK ABOUT A MEETING DATE BEFORE WE ADJOURN?

>> EVELYN AQUILA: WE HAVE THANKSGIVING WEEK.

>>: EXCUSE ME, COMMISSIONER, YOU'RE MEETING BEFORE NOVEMBER 7 BECAUSE THAT'S THE DATE --

I'M SORRY, NOVEMBER 7 BECAUSE THAT'S THE DATE YOU HAVE TO MAKE THE ITA SELECTION.

>> DOUGLAS KELLNER: NOVEMBER 6 IS ELECTION DAY AND IT'S THREE WEEKS FROM TODAY.

SO.

>> HELENA MOSES DONOHUE: THE DAY AFTER?

>> DOUGLAS KELLNER: DOES IT WORK TO MEET ON MONDAY OR WEDNESDAY OF THAT WEEK?

>> HELENA MOSES DONOHUE: I CAN DO IT ON WEDNESDAY.

>>: THE SEVENTH?

>> HELENA MOSES DONOHUE: THAT'S WEDNESDAY.

>>: I DEFER TO ALLISON.

>> EVELYN AQUILA: WEDNESDAY IS ALWAYS DIFFICULT FOR ME.

IF I HAVE TO, I'LL MOVE IT.

>> ANNA SVIZZERO: IT'S A WEEK AFTER THE SITE VISITS ARE RUN AND ALLISON AND THE TEAM HAVE TO GET THE PAPERWORK TOGETHER. SHE'S SAYING IT'S DOABLE.

>> DOUGLAS KELLNER: THE SEVENTH, THEN.

>> EVELYN AQUILA: IS THAT THE LATEST WE CAN MEET?

>>: IT'S OKAY WITH ME.

I DIDN'T WANT TO PUSH THESE GUYS TOO HARD.

(OVERLAPPING SPEAKERS).

>> EVELYN AQUILA: DO WE NEED THE NEXT MONDAY?

>> HELENA MOSES DONOHUE: I CAN'T MEET ON MONDAYS.

>> EVELYN AQUILA: SORRY, SORRY.

WEDNESDAY IS VERY DIFFICULT FOR ME.

I KNOW THAT.

>> HELENA MOSES DONOHUE: BUT SOMETIMES YOU HAVE TO GIVE A LITTLE.

>> EVELYN AQUILA: I GIVE THIS TIME.

YOU GAVE LAST TIME.

>> NEIL KELLEHER: AT THIS POINT, THE 7TH OF NOVEMBER WILL BE THE NEXT

MEETING AND WE HAVE A MOTION TO RECESS?

>> DOUGLAS KELLNER: I MOVE TO ADJOURN.

>> NEIL KELLEHER: THE PUBLIC BUSINESS AND GO INTO EXECUTIVE.

>> DOUGLAS KELLNER: OKAY.

**I MOVE THAT WE GO INTO EXECUTIVE SESSION TO DISCUSS THE --**

>> EVELYN AQUILA: CASES?

>> DOUGLAS KELLNER: THE CASES.

>> NEIL KELLEHER: ALL THOSE IN FAVOR?

(ALL MEMBERS RESPONDED "AYE.")

>> NEIL KELLEHER: SO MOVED.

>> NEIL KELLEHER: IS THERE ANYTHING ELSE THAT WE'D LIKE FOR THE OPEN MEETING?

IF NOT WE WILL -

>> DOUGLAS KELLNER: WE HAVE TO ACTUALLY VOTE ON THE DETERMINATIONS.

>> NEIL KELLEHER: OH, THAT'S RIGHT. SORRY ABOUT THAT.

>> DOUGLAS KELLNER: SO I'M MOVING THAT WE APPROVE THE REPORTS TO CLOSE CMP05-54

AND 05-82.

>> NEIL KELLEHER: ON THE MOTION, ALL THOSE IN FAVOR?

>> AYE.

>> PETER: NO, I'M SORRY. I THINK THAT'S - WASN'T IT 85?

>> DOUGLAS KELLNER: 54, 82 AND 85 ARE BEING CLOSED.

>> NEIL KELLEHER: OK.

>> DOUGLAS KELLNER: ALRIGHT. 54, 82 AND 85 ARE BEING CLOSED.

AND ON 82- FIRST LET'S MAKE THAT MOTION, AND WE'LL VOTE ON IT.

SO IT'S TO CLOSE 54 AND 82 AND 85.

>> NEIL KELLEHER: ON THAT MOTION, ALL THOSE IN FAVOR, AYE?

>> AYE.

>> NEIL KELLEHER: SO MOVED.

>> DOUGLAS KELLNER: ALRIGHT. MY NEXT MOTION IS THAT- LET ME MAKE SURE I

GOT THE RIGHT NUMBER -

THAT ON 05-85-

>>EVYLYN AQUINAS: 59. WAIT A MINUTE. WE'RE ALL CONFUSED HERE.

>> DOUGLAS KELLNER: YES. 85, THAT'S WHAT I THOUGHT.

THAT ON CPM05-85 WE'RE GONNA ASK MR. MCANN TO DRAFT FOR

CONSIDERATION BY THE BOARD A VERY SHORT- LIKE TWO OR THREE SENTENCE

SUMMARY OF THE HOLDING IN OUR DETERMINATION THAT CAN BE APPENDED

TO THE MINUTES OF THE NEXT MEETING WHEN APROVED BY THE COMMISIONERS.

THE PURPOSE OF THAT IS TO ALLOW THE PUBLIC AS A MATTER OF RECORD TO SEE

OUR RULINGS WHERE WE HAVE FOUND THAT THERE WAS A TECHNICAL VIOLATION

OF THE CAMPAING FINANCE CODE WITHOUT ANY MALINTENT

AND THEREFORE WE'VE BASICALLY GIVEN AN ADMONITION TO THE PEOPLE

INVOLVED TO CORRECT THE PRACTICE, BUT WE WANT TO MAKE SURE

THAT THE PUBLIC IS AWARE OF THE FACT THAT WE HAVE RULED THAT



THAT PARTICULAR PRACTICE IS INNAPROPRIATE, SO THEY CAN BE GUIDED BY

OUR DECISION.

>> NEIL KELLEHER: GOOD LUCK ON THE TWO OR THREE SENTENCES.

>> DOUGLAS KELLNER: YEAH I COULDN'T MAKE A MOTION IN TWO SENTENCES.

YOU GOT ME THERE.

>> ELIZABETH HOGAN: GOOD THING LEE TAKES SHORTHAND.

>> NEIL KELLEHER: ON THE MOTION TO - ALL THOSE IN FAVOR?

>> AYE.

>> NEIL KELLEHER: OPPOSED, NAY.

>> MAN: FOR YEARS WE HAVE HAD A WAY TO WRITE THAT. A FORMAL DETERMINATION THAT

REALLY SUMMARIZES THAT BY SAYING SOMETHING LIKE "WHEREAS THE BOARD FINDS

THAT THERE IS A VIOLATION NOT WARRANTING PROSECUTION."

DOUGLAS KELLNER: RIGHT AND I THOUGHT THIS DETERMINATION HERE

SAID THAT WE HAD GIVEN THEM INSTRUCTION AND THAT THEY HAD COMPLIED-

RIGHT, AND I THOUGHT THE DETERMINATION COULD HANDLE THAT AND ALL

I'M ASKING IS THAT WE SUMMARIZE IT SO THAT EVERYBODY ELSE CAN SEE WHAT WE DO.

>> NEIL KELLEHER: MOTION TO ADJOURN?

>> COMMISSIONER, THERE IS THE ONE THAT NEEDS TO BE TABLED.

>> DOUGLAS KELLNER: ALRIGHT, I MOVE THAT WE TABLE 5-59.

>> NEIL KELLEHER: ON THE MOTION TO TABLE 5-59, ALL IN FAVOR, AYE?

>> AYE.

>> NEIL KELLEHER: OPPOSED, NAY?

MOTION TO ADJOURN IS WELCOME.

>> EVELYN AQUILA: ALRIGHT, I THINK SOMEONE WISHES TO SPEAK.

>> DOUGLAS KELLNER: WE CAN TALK TO HER AFTER THE MEETING

>> EVELYN AQUILA: OK.

>> NEIL KELLEHER: YES MA'AM?

>> THANK YOU. I'D LIKE TO RAISE A POINT OF DISAGREEMENT WITH  
SOMETHING THAT

WAS PASSED AND WAS PART OF THE DISCUSSION ABOUT THE BALLOT  
MARKING DEVICES.

YOU PASSED A RESOLUTION TO PUT OUT AN RFP TO GO AHEAD WITH  
SELECTION OF

BALLOT MARKING DEVICES, BUT IT WAS STATED AFTER THAT THAT THE  
STAFF HAS

NOT AGREED ON ALL THE SPECIFICATIONS SO I DON'T KNOW HOW YOU  
CAN VOTE

TO GO AHEAD AND PUT OUT AN RFP.

IN THE DISCUSSION YOU HAD TALKED ABOUT

THE ISSUES OF THIS AGREEMENT AND THEN YOU SAID THAT YOU  
RECEIVED

LOTS OF PUBLIC COMMENTS.

I THOUGHT THERE MIGHT BE SOME SUMMARY OF WHAT THOSE  
COMMENTS WERE AND WHAT

ACTIONS WERE TAKEN ON THEM.

I DIDN'T HEAR ANY. I HEARD QUESTIONS ABOUT "ARE THE VENDORS  
GOING TO BE

TAKEN BY SUPRISE BY THESE CHANGES," "WILL THE COUNTIES BE TAKEN BY SUPRISE?"

I HEARD NOTHING ABOUT WHETHER THE VOTERS ARE GOING TO BE TAKEN BY SUPRISE.

YOU HAVE A CITIZENS MODERNIZATION COMMITTEE.

I'M WONDERING IF THAT COMMITTEE WAS ASKED TO MEET IN THESE DISCUSSIONS

ON THE SPECIFICATIONS AND TO LOOK AT THE POINTS OF DISAGREEMENT AND GET

INVOLVED IN THE DISCUSSIONS, SO IN SHORT, THE POINT IS WHERE ARE THE

VOTERS CONCERNS BEING ADDRESSED?

>> NEIL KELLEHER: WELL I WOULD SUGGEST YOU PUT THAT IN WRITING AND GET IT IN HERE

TO - A COPY TO ALL OF US UP HERE.

>> WELL YOU ALREADY GOT LOTS OF COMMENTS BUT I DIDN'T HEAR ANY DISCUSSION.

>> NEIL KELLEHER: YOU HAVE TO UNDERSTAND A LONG TIME AGO

THE ACTUAL CREATION OF THIS BOARD - IT WAS AGREED THAT NO ONE WOULD BE

SPEAKING TO THE BOARD. THEY COULD ATTEND AND OBVIOUSLY DISCUSS WITH

PEOPLE AFTER MEETINGS, BUT PUBLIC INPUT WOULD NOT BE PART OF THE MEETINGS.

WE GOT CARRIED AWAY. THERE WERE A COUPLE OF ORGANIZATIONS,

IF I'M NOT MISTAKEN,

FIVE OR SIX YEARS AGO, THAT EVERYONE AGREED THAT WE SHOULD HEAR FROM

BECAUSE THEY CAME, SOME OF THEM RIDING A BICYCLE OR SOMETHING.

IT WAS AN UNUSUAL SITUATION AND WE CAVED.

I DON'T THINK IT WAS DONE PROPERLY, BUT THAT'S THE REASON THAT I AM NOW

LETTING YOU DO THIS.

AND SUGGESTING TO THE BOARD THAT WE PROBABLY SHOULD MEET SOME TIME.

>> EVELYN AQUILA: I THINK THAT THIS BOARD HAS REALLY REACHED OUT TO SO MANY ORGANIZATIONS

AND SO MANY PEOPLE AND WE HAVE ADVISORY BOARDS, WE HAVE PEOPLE WHO PARTICIPATE

AND WE HAVE TRIED TO, DESPITE THE TERRIBLE PRESSURE THAT WE'RE UNDER, WITH

THIS VOTING MACHINES AND DOING ALL THAT WE HAVE TO COMPLY WITH HAVA.

WE HAVE INCLUDED THE PUBLIC MORE AND MORE AND MORE.

WE HAVE WEBSITES AND THINGS WE NEVER HAD YEARS AGO

AND WE ARE CERTAINLY

WHEN WE QUESTION "HOW IS THIS GOING TO AFFECT THE COUNTIES?" OF COURSE

WE ARE TALKING ABOUT CONTRACTS. WE'RE NOT TALKING ABOUT A POLICY THAT WE'RE

GOING TO HAVE.

THE DRAWING UP OF CONTRACTS IS A LEGAL MATTER AND IT'S MOSTLY

HAS TO BE LOOKED OVER BY THE LEGAL PEOPLE AT THIS BOARD AND THE LEGAL PEOPLE

AT THE OGS.

IT'S NOT SOMETHING THAT - WE STILL SAID WE WANT THE COUNTY PEOPLE TO HAVE

PREFERENCE THERE OR A PERSON THERE, BUT TO GO FURTHER THAN THAT

IS EXTENDING OGS'S HOSPITALITY MORE THAN WE EVEN HAVE A RIGHT TO.

>> WELL I'M TALKING ABOUT CITIZEN'S INPUT ON THINGS LIKE

THE REGULATIONS.

>> EVELYN AQUILA: WELL WE WERE TALKING ABOUT CONTRACTS AT THE TIME THOSE REMARKS WERE MADE.

>> CITIZENS CAN HAVE LEGAL BACKGROUNDS.

>> EVELYN AQUILA: WELL WE HAVE INCLUDED CITIZENS IN A MILLION THINGS.

WE HAVE NOT IGNORED CITIZEN INPUT AT THIS BOARD.

>> NEIL TELEHART: YOU'VE GOT TO BEAR IN MIND TO THAT THIS STAFF IS ALWAYS

AVAILABLE TO YOU AND ANYONE ELSE THAT MAY WANT TO SUGGEST THAT

A MATTER BE BROUGHT UP BEFORE THE BOARD, AND THEY IN TURN WOULD MAKE A

JUDGEMENT AND WOULD ADVISE US HOW IT WOULD BE HANDLED.

BUT IF WE ALL - EXCUSE ME - IF WE ALL OPENED THIS UP SUDDENLY

THIS MEETING IS OPEN TO PUBLIC PARTICIPATION

YOU KNOW, IT'S NOT DIFFICULT TO UNDERSTAND OR ASSUME THAT WE COULD BE

HERE FOR 8 OR 9 OR 10 HOURS.

>> I DON'T MEAN THIS MEETING SPECIFICALLY. IT WAS POINTED OUT THAT

THIS AGREEMENT ABOUT THE SPECIFICATIONS, OTHER ISSUES WERE  
RAISED BY THE

PUBLIC, SEPERATE AND APART - I DON'T KNOW WHAT "SEPARATE AND  
APART" MEANS

IN TERMS OF THOSE ISSUES BEING RAISED BY THE PUBLIC, BEING PART  
OF THE DELIBERATIONS. I HOPE THEY WERE. AND AS I SAID  
IT WOULD BE NICE TO GET SOME SUMMARY AND FEEDBACK.

>> NEIL KELLEHER: AND AS I SAID, THERE ARE PEOPLE HERE WHO WOULD  
FIND YOUR

SUGGESTION INTERESTING - AND SEE TO IT THAT IT WAS DEALT WITH  
PROPERLY

BY THE PROPER PERSON.

WITHOUT OUR SOUNDING COLD, I WOULD SAY WE DON'T WANT TO  
INCLUDE A DISCUSSION AT

THIS MEETING BECAUSE WE IN TURN WOULD TURN IT OVER TO  
SOMEBODY

IN THE STAFF ANYWAY. BOB?

>> BOB: I JUST WANT TO MAKE SURE THE RECORD IS CLEAR.

I THINK WHEN ANNA MADE THE MOTION AND THE DISCUSSION, OGS HAS  
BEEN CLEAR

THAT WE HAVE ANSWERED ALL THE NECESSARY QUESTIONS IN ORDER  
FOR THE RPF TO BE

ABLE TO GO OUT RIGHT NOW. AND WE HAVE A DEADLINE, THE TIME  
WHEN THE INTENT

TO BID QUESTIONS ARE DUE, WHICH IS NOVEMBER SECOND, TO RESOLVE  
THIS SECOND

PART OF IT WHICH WE ARE WORKING TO DO, SO THERE'S NO QUESTION  
THAT WE'RE

ABLE TO GO FORWARD WITH THE RFP THAT WE PROPOSED, BASED ON THE INPUT THAT

OGS GAVE US. THERE SHOULDN'T BE ANY QUESTION RAISED HERE THAT WE'RE

MOVING FORWARD WITHOUT HAVING ALL THE MATERIALS THAT WE NEED TODAY TO

MOVE FORWARD. WE STILL HAVE A SECOND PART TO DO BEFORE WE MOVE FORWARD.

>> OK. MY FINAL COMMENT -

>> NEIL KELLEHER: MAYBE YOU COULD DISCUSS WITH BOB?

>> THE POINT I'M MAKING IS YOU'RE ON A TIMELINE AND I'M TRYING TO PREVENT

A TRAINWRECK SO THAT WHAT WE FINALLY WIND UP WITH SOMETHING THAT HAS A

LITTLE VALIDITY TO IT.

>> NEIL KELLEHER: THANK YOU VERY MUCH.

>> **THANK YOU FOR YOUR TIME.**