

Approved November 29, 2006

**Minutes of The New York State Board of Elections  
November 1, 2006**

The regular meeting of the State Board of Elections was called to order at 12:20 p.m. at the New York State Board of Elections, 40 Steuben Street, Albany, New York. Commissioner Kelleher chaired the meeting. Commissioners present were Douglas Kellner, Evelyn Aquila, and staff present were: Peter Kosinski, Stanley Zalen, Todd Valentine, Michael Johnson, Lee Daghlian, Bob Brehm, Anna Svizzero, Allison Carr, Bill McCann and Deirdre Hammer. Guest list is attached.

**Minutes of August 15 and September 6, 2006** - accepted as corrected

**Unit Updates:**

**Legal Unit:** - Todd Valentine reported that the Board continues to provide regular reports to the Department of Justice concerning HAVA implementation. Todd reported that Suffolk County v. NYSBOE court case regarding HAVA is scheduled for November 8, 2006 and we are working with the Attorney General's office to oppose the suit. Third, the only remaining ballot access case is in the 99 AD; the Supreme Court overruled the Board and the case will be heard by the Appellate Division, Third Department, in Albany at 11am on November 2, 2006.

**Election Operations:** Anna Svizzero reported that (1) the traditional pre-election support for the counties continues. (2) The certification process is ongoing. (3) The enrollment figures for November 1, 2006 will be generated from our statewide database for the first time, rather than collected from the counties boards as we have done in the past. These figures should be ready to post on our website very shortly. (4) Allison Carr reported that the testing of voting machines by AIR has been completed in Rochester and New York City and the third session will be completed at the Albany Law School on the 13<sup>th</sup> and 14<sup>th</sup> of November 2006. The public turnout in the Rochester area was very disorganized, so the testing done in New York City was handled a little bit differently by setting up appointments. After the testing in the three different locations is completed, we will have a better idea of how many voters can be handled by each new voting system. Allison also reported that some advisory panel members attended the testing and that the large turnout was an issue. AIR considered hiring a consultant to recruit participants for the Albany tests, but they reported that there wasn't sufficient time for a research consultant to this job and that the cost would have been exorbitant. They were seeking younger voters and disabled voters and felt that Albany Law School would serve those needs.

**NVRA/PIO:** Lee Daghlian reported that there was an anticipated increase in the number of e-mails, voter registration forms reviewed and received phone calls following the primary election. Lee also gave a county funds reports stating that it seems to be working very smoothly, although there are still some counties who have not reported to us in detail. They continue to work on this as well as the contracts for the counties.

**Campaign Finance:** Michael Johnson reported that the 11-day pre-general filings are coming in. His staff is very busy working on those filings as well as cleaning up the case file. Michael reported that there have been no comments received regarding the Administrative Complaint Procedure since posting it on our website. He stated that we need to have a vote on those procedures today and it should be brought up under New Business.

**ITU:** George Stanton and Pat Murray are attending the Saber meetings that have been going on for several days to finally get things approved for NYSVoterI. A memo is attached. There is also a new budget report attached. Commissioner Kellner stated that he has many questions for George regarding the substantial increase in funding. Peter Kosinski agreed and felt that Saber should come to our next board meeting to discuss these increases.

**Old Business :** None

**New Business :** (1) The adoption of the new regulation for the administrative complaint procedure for HAVA. There was a vote of 4-0 to adopt the regulations. (2) Commissioner Kellner wanted to discuss how Peter Kosinski and Stan Zalen communicate to the counties about changes in our certification time line. He urged them to communicate about the changes. He also stated that he thinks the slippage is caused by security issues and not this Board. Peter Kosinski added that the vendors are also late with documentation and machine delivery to the testing venues and also that vendors are still making changes to their systems. Commissioner Kellner said that the county boards need to know of these changes so that they can schedule for the machine purchase process. We should write a memo about the slippage to our countyboards. Attached is a memorandum by NYSTEC concerning this issue. (3) Anna Svizzero stated that Avante wants to be included in round one of the testing. Commissioner Kellner stated that the commissioners had already decided that priority should be given to vendors who were on time and all others should be put on stand by. If CIBER can accommodate Avante, then we should do so. NYSTEC, who was in attendance the meeting, stated that adding Avante would not hold up the process and would be included in accordance with the policy set by the Commissioners.

The next meeting of the Commissioners was tentatively scheduled for November 29th, 2006 at Noon and the Board of Canvassers will meet on December 15, 2006 at Noon to certify the General Election results.

Commissioner Kelleher adjourned the General Session at 12:50 pm and moved to go into Executive Session to discuss enforcement cases and personnel matters.

### **Preliminary Determination**

CMP05-30- Closed

CMP05-30(a) - Closed

CMP06-13 - Closed

CMP06-18 - Closed

CMP06-21 - Closed

**Complaint Without Preliminary Determination**

CMP05-56 - Closed

CMP05-57 - Closed

CMP05-71 - Closed

**The Board adjourned the Executive Session and the General Session at 12:55pm.**