

Approved November 29, 2007

**Minutes of The New York State Board of Elections
Wednesday, November 7, 2007**

The meeting of the Commissioners of the New York State Board of Elections was held at the Board's offices at 40 Steuben Street, Albany, New York in the 4th Floor Conference Room. The meeting was called to order at 12:15p.m. The meeting was chaired by Commissioner Douglas Kellner. Also, present were Commissioners Neil Kelleher, Evelyn Aquila and Helena Moses Donohue. Staff present were Peter Kosinski, Stanley Zalen, Todd Valentine, Elizabeth Hogan, Paul Collins, Anna Svizzero, Lee Daghlian, Bob Brehm, Allison Carr, George Stanton, and Deirdre Hammer. The guest list is attached.

Minutes of the September 20 and October 16, 2007 - tabled until next meeting

Unit Updates:

- **Legal:**
Todd Valentine reported that the Justice Department made a motion to enforce the court order that they had received in June of 2006. The return date for motion is December 6, 2007. The Board also needs to respond with papers to the court by the 19th of November. After some discussion, it was decided to pick up discussion of this lawsuit in Executive Session.
- **Elections Operations:**
Anna Svizzero reported on several unit operations including the review of the new ITA (Independent Testing Authority).
- **NVRA/PIO:**
Lee Daghlian reported on several operations in the unit including the continuing effort on the county funds program and the upcoming meetings with the vendors for the poll worker training program.
- **Campaign Finance:**
Liz Hogan reported on the progress on several initiatives taking place in the Campaign Finance Unit, including the hiring of personal for the audit unit, the upgrades of the electronic filing system, and the status of the 2005 over-contribution review efforts.
- **ITU:**
George Stanton reported that the audits for all the counties information for NYSVoter have been completed. Everything seems to be working properly and everything is complete and the database was finished before the deadline and at a lower cost estimate. Preliminary discussions are underway with the NYSVoter Steering Committee to plan for monitoring the county boards of elections maintenance activities on an on-going basis.

Old Business:

The issue on Open Source Software fees which has been on the table before. After a short discussion it was decided to again lay this issue over until the next board meeting and after some discussion with NYSTEC.

New Business:

Several issues were discussed including the auditing summit conducted recently in MN and included a discussion on the need to audit election results from new voting systems and to review operations to make sure that they are functioning properly.

Also, some discussion for the need to recruit and retain new poll workers and maybe going to the colleges for some relief, that service as an inspector should county as jury duty and that election inspector compensation be reviewed. An offer was made that the Executive Directors send a letter to both CUNY and SUNY asking them that we would like to sit down with them to work out a program for offering credit to all students who volunteer for election day duty. **A favorable vote of 4-0 was taken.**

Commissioner Donohue read a statement for the record concerning any protocol with INS to verify citizenship of persons wishing to register to vote. This was in relationship to the Governor's proposal to allow undocumented foreigners to obtain a driver's license. The statement was from Commissioners Kelleher and Donohue. The statement is attached. There was also a statement received from the Albany County commissioners as to whether there was any communications between INS and the State Board of Elections concerning this issue. That is also attached. Special Deputy Counsel Paul Collins also reported on his conversation with Albany County Election Commissioner Matt Clyne concerning identification verification processes as it relates to the voter registration application.

The evaluation team for the ITA's recommends that the commissioners accepted the evaluation teams recommendation for the new testing lab that went through the bidding process and that was Systest Labs of Denver CO. A resolution was presented that the members of the State Board of Elections accept the recommendations of the Technical Evaluation Team to award RFP #1396 for Independence Testing Authority services for voting systems examination and certification testing to the winning bidder which is Systest Labs of Denver Co. **The vote was in favor 4-0.** The resolution was adopted.

A vote was called for to approve the technical amendments that were made to Rules and Regulations 6210 so they could be posted on the website to start the 45 day comment period. **It was so moved and the vote was 4-0 in favor.**

There were several enforcement cases, no discussion was needed, a vote was handled in regular session. It was moved that the commissioners approve the recommendations by the attorneys for CM05-59, 05-78, 05-86 and 05-90. All preliminary determinations and one final determination 06-54. **All favor to accept those recommendations to close.**

A vote was made at this time to go into Executive Session to discuss the litigation from the Justice Department. There being no other business before the board, the vote was to go into the session to discuss and then immediately adjourn after that and not return to regular session since no vote would be taken. Before the vote was taken up, several people in the audience were

allowed to speak for a few minutes concerning the issue of paper ballots. There were several speakers including Ms. Novak who spoke about the impending lawsuit and other issues. **A motion was made to go into Executive Session again, those in favor were 3 yes - 1 no. Commissioner Kellner was opposed. The motion was passed.**

At 1:30 pm the meeting was adjourned to Executive Session.

The meeting was adjourned at 2:30 p.m.