

DOUGLAS KELLNER: I will formally call to order the meeting of the Commissioners who serve as the Board of Canvassers for the state of New York.

And Anna Svizzero, you've presented us with the final certification documents based on the certified results we have received from all 62 counties?

ANNA SVIZZERO: Yes sir, however the results from Queens are unofficial and the results in the eleventh senate district can't be certified.

They're still contending with a court order there.

DOUGLAS KELLNER: We don't certify the 11th district anyway, do we?

ANNA SVIZZERO: We do. We certify them all.

STANLEY ZALEN: All senatorial districts.

DOUGLAS KELLNER: We are certifying all but the 11th Senate district?

ANNA SVIZZERO: Yes, sir.

DOUGLAS KELLNER: Do we have footnotes on these that indicate that the Queens returns are incomplete? It is just our understanding when we get the final tally from Queens that we will do amended certifications?

ANNA SVIZZERO: And the footnote is on the documents that we are prepared to post to the Web site.

DOUGLAS KELLNER: All right.

ANNA SVIZZERO: We'll make sure it's clear to everyone if we release those.

DOUGLAS KELLNER: And in terms of the statutory obligations and turning to counsel, under the statute it says that if we have not received a final certification from the board, we are supposed to send a messenger to the dilatory board and take action until they actually provide it. And to me that's a very important provision, but am I correct that there is a court order preventing the certification? So that court order even though we are not parties to that proceeding does trump anything else we can do under the statute at this time.

STANLEY ZALEN: I might add that New York City provided everything they were able to provide to us.

DOUGLAS KELLNER: We are really only talking a couple hundred votes and certainly nothing that affects any of the statewide races. That the Presidential electors or the ballot proposition. The outcome is not going to be effected. Alright, so if we are all agreed on that basis, motion to approve the certifications as drafted.

JIM WALSH: So moved.

DOUGLAS KELLNER: Those in favor say "Aye."

Aye.

Okay, we will take a few minutes to sign all this stuff.

(Pause.)

DOUGLAS KELLNER: All right, with those formalities out of the way, we'll call to order the regular meeting of the Commissioners of the State Board of Elections.

My name is Douglas Kellner, Co-chair.

JIM WALSH: Jim Walsh.

GREGORY PETERSON: Gregory Peterson.

EVELYN AQUILA: Evelyn Aquila.

DOUGLAS KELLNER: Ask the staff to identify themselves.

Todd Valentine, co-Executive Director.

Kim Galvin, Special counsel.

Paul Collins.

Anna Svizzero.

Greg Fiozzo.

Pat Champion.

Bob Brehm,

George Stanton.

Bill McCann.

Liz Hogan.

Stan Zalen.

DOUGLAS KELLNER: I ask our guests to identify themselves, please.

Mark --

Joe Anders, state independent living council.

Rebecca Wood.

Rob Zegland, from NYSTech.

Amy Almo, League of Women Voters.

New Yorkers for verified.

Bill Mahoney.

Saratoga county league.

DOUGLAS KELLNER: Welcome to all of you.

Glad you were able to come.

The first order of business, approval of the minutes for September 17, October 3 and November 6.

JIM WALSH: So moved.

DOUGLAS KELLNER: All those in favor, say "aye." (All members responded "aye.")

DOUGLAS KELLNER: Opposed?

(There is no response.)

DOUGLAS KELLNER: Minutes are now approved.

We will turn to the unit reports and ask the executive director, Stanley Zalen and Todd Valentine.

STANLEY ZALEN: I have just one point to make.

In a few days Commissioner Aquila will be celebrating a birthday and in honor of that fact, the Commissioners and the entire staff are welcome immediately after the end of this board meeting to the kitchen to celebrate with her and enjoy birthday cake.

EVELYN AQUILA: Isn't that nice?

That's very nice. I refuse to tell my age! Betty Davis said a woman who will tell you her age will tell you anything.

(Laughter.)

DOUGLAS KELLNER: Todd, do you have anything to add?

TODD VALENTINE: Not as good as that. Our focus if you haven't read it in the papers, the budget that the State faces.

We have been working with the governor's office and the division of budget to put together our plan.

We also have been --

The procedure for actually spending has been altered slightly for any spending with additional approvals that are required for expenditure really of any funds.

So that's a little bit of an extra burden on things.

The other issue, the election has completed, but we still have to be prepared for Anna will go through this later in the agenda items, the voting machine voter approval process continues to be, after the budgetary issue, which is running the agency, but we still have to move forward through 2009 and into the future with the voting machine process.

On an administrative front, we, Stanley has a copy there and we have copies available.

I don't know if everybody brought it with them because we are not discussing on it, but we have been moving forward on the internal controls report.

I say it's a report in the sense that if you think there's going to be an end to it, but it's a process, not really a report.

So it's something that is going to cycle in and out over time.

You know, it's a recurring issue.

That's what we have taken a lot of effort to go into with all the units, spearheaded.

I'll highlight them because I know they're in the next room watching the webcast, Bob Eckles and Cheryl -- have done a lot of work on doing the grunt work for Stanley and I.

We appreciate that.

We don't have an expert on internal controls, but they developed expertise on the process that the Division of Budget has put together.

And they've assisted greatly putting the package that we've made available to all the commissioners at this point.

We are moving forward with the next step of analyzing those control areas or identified functions of each unit to, you know, just see where the weaknesses are.

While we have been doing this for a long time, our agency focus really hasn't changed all that much.

You know, it's good to have those eyes open and look at that.

Additionally, we have also put together and had made available, again it's not for review but something that in an earlier stage is consolidated employee handbook.

We had employee policies, but they came from different points.

Some were contractual obligations with the units that were negotiated.

Those always make up part of that.

Some are statutory obligations for health and safety, obligations that an agency has.

But we are consolidating it into one document with help from again Bob and Cheryl have helped to some extent, but also from our administrative assistant, Tom Jarose has done a lot of work on that.

That's again a process because it's something that we've had these policies over the years, but it's time to review that again as, you know, we've taken on more employees over the past few years.

So it's almost like a generational shift.

It's time to revisit that.

That work is going to continue, but we wanted to make available to you what we've gotten so far and then we are going to keep working on that.

So yeah, I think we are going to ease up slightly for the holidays.

EVELYN AQUILA: We need to vote on that in the end? I

presume this is kind of like the draft we are looking at?

TODD VALENTINE: The employee handbook is definitely a draft.

EVELYN AQUILA: I just got it this morning.

TODD VALENTINE: And obviously, input, we appreciate that.

EVELYN AQUILA: It's not something that needs to be voted on?

TODD VALENTINE: Not today, not at this point.

EVELYN AQUILA: I wanted to clarify that in my own mind.

TODD VALENTINE: If there are policies that we need to vote on we've done that over the years as we adopted individual sections of policies.

DOUGLAS KELLNER: I appreciate that you're moving forward on that. I

can see.

That a lot of work has gone into that.

I'm glad it's moving forward.

Did you want to propose management appointments today?

TODD VALENTINE: Can I do those at the end of the meeting?

DOUGLAS KELLNER: Sure.

If that's the executive director's report, we'll turn to Kim Galvin.

EVELYN AQUILA: I have

I'm sorry.

I don't mean to ask a lot of questions.

My other question might be out of turn.

I might be asking it at the wrong time, but in response to our budget, you know, the budget demands being made on us, is that anything to report on at this time or not?

STANLEY ZALEN: Not at this time.

We are waiting to hear back from the division of the budget and the executive offices.

TODD VALENTINE: The biggest immediate impact to be straightforward with it, we had talked for at least over the last year certainly with the expansion of the campaign finance unit was expanding to the fifth floor of this building.

Quite honestly, we don't have the money to do that anymore.

We have had to revisit that entire, not to not bring on the people, but we are going to have to sit a lot closer together now than we have been used to.

EVELYN AQUILA: Everyone will get to know everyone very well.

TODD VALENTINE: Right, but you have to provide an appropriate working environment for those people.

That's been a big adjustment for us.

We spent a lot of time and effort in doing that planning that now we have to look at again to stay within our existing space.

We did explore one option, to let you know.

This is leased space.

There's considerable cost to the agency to lease this space on an annual basis.

We had come from, before we moved here we had been in state owned space, which is rent free, of course.

That was an option we explored.

It's not really an option.

There is no state space available that accommodates the size that we need and particularly now with the statewide database, the technical need that we have to host that has escalated.

EVELYN AQUILA: That we did in this building.

TODD VALENTINE: We still do in this building.

So that's a big consideration if we had to go to another space.

It's just quite honestly it's not available within this immediate area.

I mean, I suppose somewhere in the State it's available, but not in a State owned space, certainly not within the area of Albany.

They don't sit in Albany County.

That has been a big impact, honestly, to reconfigure and plan for that.

Certainly Bill and Liz have been quite champions for their program, but it's running head long into the budgetary constraints we face.

We don't know how long it's going to last, but we have to presume for the foreseeable future.

We will make do.

We'll have to make do.

We do, physically there's empty space.

We can literally sit closer together.

EVELYN AQUILA: Enforcement has been enlarged through legislation, not just a whim or anything.

It's legislation that has enlarged it.

TODD VALENTINE: No, we are eliminating things, the biggest example, to give you two examples to give you that we've done that is for extra

Not really extra.

One was the voter outreach that we have done in the State Fair over the past few years.

Well, I guess we are not

We've literally can't afford it.

It's just too expensive.

The other issue that we have had to address is our own annual conference.

We have a statutory mandate to reach out to the counties.

EVELYN AQUILA: You have to have it.

TODD VALENTINE: We have to have that, but the biggest expense with that was actually our travel costs from our staff going to a location that was beyond 50 miles from Albany.

So we what we had to do was, okay, let's find a spot within 50 miles of Albany that will bring our costs down dramatically, which it has.



I think last year's cost was approximately \$20,000.

Not a lot of money, but now the estimated cost is going to be less than 5,000 for us.

The cost will remain approximately the same for the counties because the travel

EVELYN AQUILA: Todd, we did meet in different places to accommodate the counties' budgets.

They say you always want us to go to Albany.

This is Erie County.

They said you need once in awhile to bring yourselves closer to us.

That's why that happened.

TODD VALENTINE: Also to alleviate some of that, we have explored, Stanley and I and a number of staff members have, certainly at the counties' request was to increase the communication by hosting a teleconference.

It's not an open conference call. There's too many Commissioners. What the county association did, they chose the regional chairs and the officers of the association would be able to speak freely, but we invite the rest of state to call in and listen so we have some communication with them.

And we think we are going to explore options as to how that type of Internet or Web based, video or audio conferencing, that we can continue to utilize those tools that are really of a minimal cost, but yet we can still foster that relationship.

That's what the budget

EVELYN AQUILA: It's very important that we have communication at the counties, very important.

It's nice to do it on a telephone.

It's nice to do it on video.

But there's nothing like that face to face.

When one of the Commissioners takes you aside and says we really have this problem.

Can your office help us with it?

There's nothing

It doesn't work that way sometimes when other people are around.

And when they can deal with us face to face, come and sit and have a cup of coffee with me, I want to tell you what we need or what kind of services you can provide for us.

And it's very valuable.

I know we have to give some of that up, unfortunately.

DOUGLAS KELLNER: Doug Kellner: Okay. Can we move on?

EVELYN AQUILA: Sorry, Mr. Chairman.

DOUGLAS KELLNER: Douglas Kellner: Okay.

That's all right.

### **Kimberly Galvin on legal?**

KIM GALVIN: Thank you, Commissioner.

Paul and I spent a lot of time cleaning up a lot of the lingering issues that remain from the elections.

Just about everything.

In particular, Paul, I know, spent a great deal of time trying to get rid of the temporary restraining order in the 26th Congressional district.

Much longer time than you would think would be required for these things.

Actually it took.

We've also fielded a variety of questions from the county board, from hat check violations to every question you could be asked about an absentee ballot canvass.

The counties also asked a legal question which we are kind of struggling with.

Well, not

We are working through about the March elections, whether or not BMDs are actually required to be used in them.

And who runs them.

And do the counties that own them have to provide them?

So we are working through a lot of the permutations of that.

It's interesting.

We don't really have a firm answer on that.

DOUGLAS KELLNER: What is the legal answer to frame the question?

KIM GALVIN: I guess whether or not they are legally required to use a BMD in that election.

TODD VALENTINE: Under the language of the statute as it exists today.

DOUGLAS KELLNER: Doug Kellner: The amendment to the election modernization reform act -- section 12 of the act?

TODD VALENTINE: Eleven, yes, chapter 506, yeah.

KIM GALVIN: 2001?

PAUL COLLINS: 2007.

DOUGLAS KELLNER: The state law requires one per county, right, until we certify new voting machines.

TODD VALENTINE: It says the county has to provide it.

It's odd, when we started looking at this again, I don't think it was written that

I don't think that statute was written to live the life that it's now been required to live.

DOUGLAS KELLNER: Doug Kellner: I think that's true.

TODD VALENTINE: It's applying in the situation that it has to apply in, but the language doesn't quite fit, but somehow it has to fit into that.

We have a court order that is a little bit different.

DOUGLAS KELLNER: The spirit of the legislation and the spirit is that there be a ballot marking device at every poll site at this time. That's what we did in the September and November elections of this year.

So I think that's the spirit.

So I would urge that that spirit be carried forward in the village elections because I think it was the intention of the Court and the legislature that once we bought these ballot marking devices that they would actually be used and available.

TODD VALENTINE: It seems to make sense.

DOUGLAS KELLNER: We can all criticize.

I still remain critical of the Congressional decision to spend the kind of money that we've spent on the ballot marking devices whereby my rough arithmetic it's about \$3,000 per vote to use a ballot marking device.

And frankly, I would rather hand out a check for \$1,000 to every disabled voter and say here is the thousand dollars.

Now, you know, go to more extraordinary lengths to vote.

And I understand the spirit of it was to allow people to vote in the same manner as everybody else without assistance, but thinking through the cost of it is a problem.

But that being aside, this is the law now.

We have the ballot marking devices.

I would hope the counties use them.

You have to deal with what the law says as opposed to

KIM GALVIN: Well, you know, what happens if I think, I wasn't on the first call, but if they don't, if the villages don't own the machines, do the counties have to.

TODD VALENTINE: Are the counties obligated?

KIM GALVIN: Are they obligated? A

lot of them are not.

DOUGLAS KELLNER: In village elections going forward, the counties are going to own the machines once we certify the new machines.

Are we saying that the county boards don't have to provide those machines for village elections?

TODD VALENTINE: Well, I'm not sure that the village is obligated to use them.

KIM GALVIN: A lot of the counties

TODD VALENTINE: They are not obligated to use any voting machines.

DOUGLAS KELLNER: Doug Kellner: That's true for school boards, too.

Are they going to use machines?

I'm completely opposed to

Again, we have to deal with the technical language of the statutes, but the purpose of this was to upgrade our equipment to have equipment that meets all of the federal voting standards and we defeat that purpose if we allow all these local elections to use outmoded equipment that doesn't meet standards.

Go ahead, Paul.

PAUL COLLINS: I completely agree with Todd that we are trying to use a statute that doesn't contemplate a set of facts and circumstances that we are seeking to have it address.

But I think it's very important as we, as an agency respond to these questions that we get feedback and guidance on the policy aspect of it from the Commissioners.

And candidly, I would.

We have the questions that have been asked with respect to village elections.

Well, obviously you perceived that there are school board elections which are the next issue.

Then there are the fire district elections.

And just, you know,

EVELYN AQUILA: Are there not paper ballots used in those?

I was elected three times to the school board and it was always a paper ballot.

PAUL COLLINS: Except for one thing, Commissioner.

Congress has decreed that a disabled person will vote in the same manner as anyone else.

If they need assistance in marking a ballot, that's what they have the bole lot marking devices for.

DOUGLAS KELLNER: Doug Kellner: That's right.

That's the spirit of it.

It may not be covered by the help America vote act which addresses federal elections, it may be covered by the disabilities act, right?

The federal disabilities act?

PAUL COLLINS: Commissioner, in a prior lifetime I had a great interest in county expenses. The question becomes, okay

EVELYN AQUILA: What does it cost?

PAUL COLLINS: Who pays for the programming of the machine? Who pays for it?

The county?

The school district?

Does the village?

DOUGLAS KELLNER: The other concern I have is that we not have a repetitious of, I think it was the City of Rensselaer that conducted its school board elections using uncertified

PAUL COLLINS: That was Troy.

DOUGLAS KELLNER: Troy, I'm sorry.

Certainly that was wrong.

PAUL COLLINS: (Off microphone.)

GREGORY PETERSON: Not guilty.

DOUGLAS KELLNER: Doug Kellner: I don't think he was the decision maker.

It certainly was a mistake to use an electronic voting machine without a voter verifiable paper audit trail.

We get into all the problems of black box voting.

I would hope that the legislature would not allow local districts to conduct elections with

EVELYN AQUILA: Uncertified?

DOUGLAS KELLNER: Substandard equipment that doesn't meet standards, especially when we're spending all this money to get good equipment.

All right.

I digress this time.

Anybody else?

You haven't mentioned the Department of Justice.

I'm sorry.

KIM GALVIN: Just, I was going to segue into the Department of Justice and the monitoring of the lot 1 testing.

And we've all, everyone in the room almost has literally the whole entire room has participated in meetings and calls involving the testing, the accreditation of the lab, the escrow payments, the money.

It's all consuming at this stage and feeds into one another.

I think that Anna is going to talk more specifically on that.

DOUGLAS KELLNER: Okay.

There's no developments in the certification, I take it.

KIM GALVIN: In what?

DOUGLAS KELLNER: In the litigation with the Justice Department.

KIM GALVIN: No.

EVELYN AQUILA: I think the Justice Department has gone beyond, went the extra mile for us, especially of late.

And it's been a tough time, you know.

I think they really have.

I know we don't think that sometimes because they look like, you know we're on opposite ends of the polls, but they have been very, very patient.

KIM GALVIN: I think they are hopeful, too, that when Anna gives her report we'll see that things are still progressing even if they are now on parallel tracks.

EVELYN AQUILA: We are trying and they seem to recognize that we haven't shirked our duties on this end and that we are trying very hard.

I appreciate that, even though the next telephone call they may be very angry with us.

I hope not.

I have found them to be very

DOUGLAS KELLNER: Any other litigation issues?

KIM GALVIN: We have a couple of cases in the last week that the Attorney General agreed to represent us.

STANLEY ZALEN: There was a personnel case.

KIM GALVIN: We haven't been served with that.

TODD VALENTINE: We just got a copy.

KIM GALVIN: I'm sure whoever is watching will serve us now, but I haven't Unless someone else in the room has gotten it.

But we never received service.

But that's it from the legal department.

DOUGLAS KELLNER: Okay.

Anna Svizzero, we'll turn to election operations.

ANNA SVIZZERO: Thank you, Commissioners, the efforts since the last board meeting have been concerned with the re canvass.

A lot of hand holding with the county boards and working with the various post election and canvass activities.

That's wrapped again with the exception of the 11th state Senate seat.

We have prepared for you in election ops a draft report that reviews the past election.

It doesn't have a lot of statistics in it.



We expect that once our annual year end reports from our county boards come in we will be able to amplify a lot of the areas raised in it.

It is a draft to you.

If you have any particular aspects of it that you want us to focus on or provide more information on before we continue to work on it, let us know so that we can include your concerns in our overview.

We continue to hear from voters who are sharing their election experiences with us.

We plan to include those concerns in the report and also in our in house legislative discussions as we look to putting together a legislative package that you can consider sending to both the Assembly and the Senate.

We have continued our status meetings with NYSTech. We continue to work on a number of ancillary areas of our certification process procedures.

And being prepared for lot 1, whenever that does come to be, so we're in those sorts of discussions with NYSTech.

And they continue to work with SYSTest to perfect, if you will, the various test cases that are outstanding.

We had been promised test cases this week from SYSTest so that those could be shared with vendors so that they could make the most of this down time as well so we're not losing time unnecessarily in our timeline.

NYSTech has received a few of those. There's still work that needs to be done on them.

So we're hoping that SYSTest will continue in their efforts to perfect those and get them to us so that we can pass them on.

We do have some contract issues with SYSTest that we need to discuss with you in executive session.

As to their accreditation, we can tell you that the EAC has confirmed an on-site appointment with SYSTest for January 5th.

So that they can do a review of all the amelioration that's been done with regard to the concerns that NYST and NVLAP and EAC had raised in suspending the certification.

Again that is on the fifth of January.

We are hoping that the EAC will expedite their assessment and get a report out by the middle of January so we could see testing resume sooner than the end of January, which was our suspension date.

We continue to struggle with vendors.

We have not received any money, to date, from vendors.

The deadline for presenting money to us was this past Monday.

As recently as before this meeting we had a promise of money from ES&S, partial payment on Friday and we are hoping that Sequoia is working along the same lines.

KIM GALVIN: Just to add with regard to Sequoia, we have been talking to them, too, as early as last night, late as last night.

ANNA SVIZZERO: And again this morning.

We did speak to Sequoia before we came up here they are aware of our concerns and are working towards getting something to us.

We had agreed they could, during the suspension period, provide periodic payments so it's not a cash drain on them.

They clearly understand this is money for work that's already been done.

We are not going to put ourselves in this position again.

We have, in light of that, paused all of the vendor conversations with NYSTech.

Those are clearly billable items.

Without money NYSTech won't get paid either.

It's not just SYSTest who's working at risk here.

Until those funds are provided, those conversations have been paused.

The team downstairs is working with county board to collect the asset management documents to get them to archive the election for the 22 month retention period.

There is going to be some hands-on work there that's done with convincing counties of the need to get these asset management documents together.

If they understand the intent and are having trouble with the format we laid out, we tried to make it a simple excel spread sheet, but we are going to be working with them one on one to make sure that we get this well under toe before we move into any next phase of voting system acquisition.

We need to raise in order to deal with SYSTest, we have a late resolution that has come to you to raise the value of the contract, and to appropriate funds

so that we can indeed spend them when the vendors provide their money.

The costs have escalated.

We provided a defense.

We will be sharing that with OGS in the comptroller's office, hopefully today.

This is the first time all of the estimates we have gotten with respect to the cost of testing and to the time required to test

We're breaking new ground all around and I'm sure everyone here and everyone listening has heard it before. It's very hard to get those items - it's clearly not a

square peg in a square hole type world.

The estimates have been very fluid and clearly the vendor status in the readiness of the systems to go through this process also added to the fluid nature of the process.

We need to address that in a way to raise the value of the contract so that we can pay the bills and have money appropriated to do that.

DOUGLAS KELLNER: Anna, why don't we take up the resolution now?

-- That was distributed to provide that the authorization is approved to use a sum not to exceed 1.2 million from the federal operating grants funds

-290, help America vote information implementation account - State operations.

For payment of the cost associated with certification testing of the voting systems.

So on the resolution, those in favor?

(All members responded "aye.")

DOUGLAS KELLNER: Opposed?

(There is no response.)

DOUGLAS KELLNER: All right.

Anna, did you have anything else you wanted to go into?

ANNA SVIZZERO: I did want to, we allowed the vendors, we offered we would accept partial payments through this period.

One of the options that we are also exploring is withholding the funds owed us from the final 20 percent payment.

That is going out to the vendors for the ballot marking devices that are in place right now.

Counties have begun to sign off on the last aspect of the contract, the last 20 percent was due once the general election had been conducted in a satisfactory manner.

So county boards are signing off on those right now.

There would be funds going from the state to the vendor.

We are hoping that OGS will find ways, have a way for those to be directed to us rather than to the vendor in the first instance until such time as it their accounts are current.

I don't have anything further unless you have questions for me, Commissioners.

DOUGLAS KELLNER: Any questions?

Thanks very much, Anna.

It's obviously very busy in your unit and supervising the election and the canvass at the same time, continuing all that certification, shows tremendous effort and I know many of you and your staff people were working late into the night throughout the election period.

All right, we turn to public information office, Bob Brehm.

BOB BREHM: Hello, Commissioners.

The executive directors' report touched on b one of the items that we have and that is the work that a group that participated in moving our conference from the Holiday Inn in Syracuse to an area here in Albany and Patrick and Mark, for the agency have researched out to the surrounding county tourism/convention bureaus to tell them what our needs are, and to try and get a list of proposals.

They reviewed the proposals, made a recommendation and we followed up on a meeting with the Holiday Inn Albany on Wolf Road, is the site that can --

It was difficult to find sites around the dates we needed. So some of the choices were not available. Some other places had some space but it just wouldn't fit for our needs.

We will be able to go to the Holiday Inn on Wolf Road for the same date that we proposed to be in Syracuse, April 27 through April 29.

Because of the current budget approval process that we're under, staff worked up the papers to go over through approval so we can sign the documents in order to firm up the contract.

We are working on those final efforts to sign the contract, but it's good news that we are able to provide the same level of training and interaction with the county boards and get the saving that we needed.

And it's a lot closer to home.

It's also nice, I think we are also able to go to the Holiday Inn.

It's a lot closer to home. It was a tough call to the people in Syracuse to tell them we were pulling out, not for any other reason than it was a fiscal issue.

It seemed to work out. So that's where we're looking to go. And the next step, once we get the approvals is to put together the agenda and the program and continue to work with all the other units in the agency to make sure that we can accommodate the program needs at the site also.

We have every reason to believe we can.

Another item that we touched on in the last meeting has to do with the federal portion of the poll site acts -- improvement grant money from health and human services they are annual grants that we receive.

In October of this year they withdrew the unspent funds from the 2003 grant year.

That was after a long period of time, since April of this year, right up through September 16 when they told us don't worry, you won't lose the money.

And when we processed, when county applications for reimbursement were sitting on a desk in the controllers' office is when we found out that the federal government took our money away.

We worked very diligently with both the controllers' people and with the health, human service people to make sure that we at least will be able to hold the counties whole for this money that they spent.

It's just a matter of a few -- record keeping between our records and OGS's records, and that will be resolved so we can tell the counties the specific dollar amount.

It's somewhere in the \$200,000 of that grant year that was returned to the federal government.

It's a warning that just like the state budget problems, the federal budget problems.

We continue to work and to do everything we can to work with counties and encourage them strongly to get their poll site access improvement program completed as quickly as possible, because every day there's a threat that more money could be withdrawn both at the state and federal level for these types of grants.

The education training money is part of the HAVA package.

That is, you have it until it's used.

The poll site access improvement money is at risk money if they don't use it.

We didn't like the message, but we continue to work and get the information out to the counties so they can complete it.

It is our hope that all of the poll site contracts, scheduled to be done by March 31, 2009 and they will close and we will have completed that program.

We are working with OGS and the counties to extend the voter education training that also was supposed to end on September 31, 2009.

That was already one of the extended dates because of its taking longer to complete this.

We certainly know that we need the training money into the next fiscal year.

That money right now is not at risk because it is HAVA.

You have it until you use it money.

Other than that I think that covers our major items.

DOUGLAS KELLNER: Bob, can you address the voter registration database issues that came up in connection with the general election, or is that something you'd rather have George talk about?

BOB BREHM: Well there are a number that we continue to look at.

We continue to track, and certainly there are NYSVoter ones, Burr the type of calls that we receive from voters related to NVRA.

I know that Patrick and Greg have looked into that and worked on them and they are working with Anna to put that information in that report also.

But you know, the types of information where people went to a motor vehicle office and the clerk either put a no in the computer when it should have been a yes and that happened on some occasions or the voter, there's no indication that the voter ever requested a voter registration activity from the paperwork we have been able to look at.

But we continue to track those issues and work out the timeline to know why, you know, that happened and to improve our education, both for the supervisors at the NVRA sites to make sure that they do it appropriately.

There are still late forms that we are getting from the sites, and we continue to monitor those.

And to work with either those sites if it's site specific or with those agencies if there's a broad based issue.

DOUGLAS KELLNER: Bob, on just that issue, the late receipt of forms from agencies receiving voter registration activities...

BOB BREHM: We had issues with Wick offices and different social service offices just leading up to the election, and more recently we have the letter from New York City related to DMV change of address. The letter said they were registration records.

They're not registration records, but they are change of address records that were processed by DMV.

At least we have been able to learn from looking at 16 of them and there's more to look ahead.

They were processed by the central DMV processing site in Utica, New York.

It's early for us to be able to tell you anything more than that, other than Greg and Pat are working to meet with DMV and follow the path to find out why it took so long for these pieces of paper to come here.

All we do know is all of the cubby holes, we have a cubby hole for every county in every state and all of the pieces of paper that come in related to this type of work is usually in and out, usually within 4 or 5 days at the longest.

Every single one was done by the deadline, the Friday deadline that we had for October 10th, and the deadline for October 15, which are two critical deadline dates.

But you know, we received from DMV forms that were months old within the last week.

So we continue to look and find out why.

Was it a problem with the DMV wasn't able to process the form because there were some hold up on the voter end -

The driver end of the equation and they don't process the form until they rectify that?

Those are the kind of questions we're looking at.

Certainly if it sat on a desk at DMV for five months, that needs to be fixed.

DOUGLAS KELLNER: All right, I wanted to be sure that everybody understood that your unit was working on following up with that.

BOB BREHM: Yes.

DOUGLAS KELLNER: Anything else on registration?

BOB BREHM: Not yet.

DOUGLAS KELLNER: All right.

And on the voter ID required flags, has that audit been finished?

Patrick?

PAT CAMPION: You were working on that?

We have the reports from the first month completed and we have tracking graphs and charts now going forward.

We have a baseline to go forward with that.

Anybody else?

We turn to Elizabeth Hogan for campaign finance enforcement.

LIZ HOGAN: Thank you, Commissioner. I'd like to let you know that the filings for 2008 are complete.

The last one was due this past week, and that was for the 27 day post general election.

We'll be reviewing that. Right now we are in the process of reviewing for noncompliance.

I would like to tell you that we have followed through on lawsuits for non filing for the other filing, mandatory filings of this year and to date we have sued approximately 1100 people for non filing.

The 2006 election cycle report has been drafted from staff.



They will be finalizing that and counsel will be preparing a final report on that for the board very shortly.

I would suspect, you know, within the next week or so.

DOUGLAS KELLNER: Excuse me again. You  
said the 2006

LIZ HOGAN: 2006 election cycle report.

DOUGLAS KELLNER: What is that?

LIZ HOGAN: That is the election cycle report of senate assembly contributions.

DOUGLAS KELLNER: Over-contributions?

LIZ HOGAN: Correct.

The 2006 corporate project, staff has finished their report.

It has been provided to counsel and we are currently working on a final report to the board on that.

The 2007 corporate over contribution report, there is a timeline in place.

It's been being worked.

It's timely.

And I believe the date for that is early February that the staff will finish the report on that, provide it to counsel and we'll prepare a report for you.

The 2008 election, or the corporation over contribution project will also begin as early as we can this coming year.

Staff has worked diligently to develop protocols for assessing those projects and with the beginning of the 2008 over contribution analysis, early in 2009 we are on track

Actually, we've done quite a bit of work to bring that up to speed.

The, I would like to report to the Commissioners that since the last meeting when the language for the change to the rule 6200, I would like you to know that the language, suggested language changes have been made by us and we provided them to Gore.

So we are awaiting their discussion, calling us to discuss where we are with that now.

Bill had a telephone conversation with them and we subsequently sent over the drafts that they requested.

We are working continuously in our unit on procedures.

We've developed a process until our unit where every time, you know, an action is performed we try to assess it at that time for the procedures and actually to write them, write a draft of them then. So every time something comes up, it's just much easier. It's not always easier at the time because it's time consuming, but it's easier to keep track of things that need to be addressed in developing procedures for it.

What the staff has been doing is writing a draft procedure for every process that we become involved in and we have been, that's been a project that has been managed in our unit by Cheryl and Bob Eckles.

They have been keeping a draft binder and we project putting that into a finalized procedures manual for enforcement of campaign finance.

Actually, Bill and I are meeting with Bob and Cheryl next week to review exactly where we are with that and where we need to go.

That's moving along quite well.

We have staff working on the revision of the filer hand book for 2009.

There are also, they are also assessing the schedule for the development of the seminars for the spring.

They are working on the development of a Web based tutorial for campaign finance filing.

They are in the process of drafting a letter to come from Bill and myself to all the county Commissioners where we are letting them know that we have a new training and educational focus in campaign finance.

As I said many times, our focus is to get those reports and so we are developing hopefully more effective ways of imparting the information about the responsibilities of filing.

We are sending a letter to the counties telling them we have new plans.

We are asking them to appoint a liaison in each board, to deal with us and work with us on issues that reflect their needs so we can address them and needs of filers who come to them with questions and put in some protocols for more effective way of giving that information.

The scanning project that I discussed many times with you is sitting over the, the contract is sitting at the division of the budget.

The personnel matters that I discussed with you as well for the program aids which are our first line of contact and assistance to filers have not been approved and Bill, if you would like to add anything else, go ahead.

I think that's it for me.

BILL McCANN: Sure.

I think that actually the modification of the enforcement unit through the additional employees and setting up of the sub units in campaign finance has allowed us to do a comprehensive review of the functions.

As Liz pointed out we are working on policies and procedures with the new education and training sub unit.

That's a whole new initiative. That's a fresh start on that.

At the same time as we look at the functions, we are also looking to develop redundancies and staffing so that since it is a small unit still, often times critical projects and critical functions are performed by just one person.

If someone has an issue which is sickness which does happen or if they are on vacation, whatever the case might be, we can't have it come to a grinding halt.

This has allowed us to look at that function and develop the redundancies while at the same time looking hard at our policies and procedures to see are they current.

Often times we have policies that have been in place for literally decades.

You say why is that?

This is a good chance to reflect on them, bring them up to modern policies and tweak things.

It allows the staff to have a comfort level going forward so there is not a question of what do we do in that circumstance?

We want everybody to understand it up front.

It's taking a prophylactic look at it.

It's going to be a positive program.

As Liz talked about particularly with corporate reviews, we have every reason to believe coming into the first part of 2009, we will be right into 2008 and our goal is coming after the January period, the timeline will begin in March or prior and we will be diving into that.

Also with the 08 cycle itself.

With the additional staff and as we tweak out and break out the functions we are getting positive results that allow us to expand upon our program.

It's a very positive thing.

With the training it's an exciting program because our training staff, which is doing an excellent job, they are identifying ways within our limited budget, what can we do to enhance our programs but being cognizant of the financial restrictions.

For instance when we look at training and out reap in this year in '09, trying to do things that are easier for the filer.

We are going to offer nighttime training.

When people come after work, that's one of the complaints I heard through the years.

You always do it in the morning and I have to work.

We are going to accommodate and do nighttime trainings.

We are going to do train the trainers, so they have staff to assist local filers at the local level.

As we look at those programs and try to use our limited financial resources, it allows us to expand those programs.

They are taking a comprehensive look at the campaign finance segments of the board's Web page.

How do we make the information available to people in an easier, more concise fashion?

Make it easier to use.

We have very good programs in place.

We are really availing ourselves of our new staff.

We hope to get more of that new staff, if we can get division of budget approvals.

I think there's positive progress being made in campaign finance and enforcement.

As Liz said, our job isn't to get people.

It's to get the stuff.

Anything we can do to facilitate that timely and accurate filing, that's our core mission.

We see it as that. We want to help people, not hurt people.

If we can get the information from people and provide it to the public, because that is the key to campaign finance disclosure is to have a transparent process with the information available to the public, we think in the long run we are succeeding at that mission, I think.

We will do it all the more better as we go forward.

So it's a positive thing.

EVELYN AQUILA: I have a small question.

First, I congratulate both of you, especially for the review of all your policies and how to do things better.

Sometimes we get so set in our ways that we do things, we never think about changing it.

This is just one quick question.

I don't know if I should know the answer or if you know.

What do we do about people who fail to file?

You know, fail to register with us?

You know?

That's their first step, right?

They have to register.

Now, I run for office.

I say the heck with that; I'm not going to do it.

How do we reach out and find out who they are?

Do we have a policy to handle that?

And how do we do it?

ELIZABETH HOGAN: Well

EVELYN AQUILA: Someone asked me and I didn't have an answer.

ELIZABETH HOGAN: There are a couple aspects to that question and some of them, I'm sure we discussed here at the board meeting.

One of the big problems that we run into in those instances are that on a local level we have no ability to identify unless people help us do so these candidates.

We've discussed this at the board meetings in the past.

We need a candidate identification system in place.

A lot of times when someone is running for office, we find out that, you know, maybe they haven't registered or haven't filed because their opponent will call or write to us and tell us. That's always a good way of finding out.

If people don't make their filings with us, what we do is, there's a statutory process set forth that we follow and it has to do with notifying them that they have not filed with us.

EVELYN AQUILA: Right.

ELIZABETH HOGAN: Giving them an opportunity to file.

They have so many days to respond to our letters.

We make a great effort to get them to file, give us the stuff as Bill says, is where we are.

If they will not file with us, we will sue them.

And that's what we do.

EVELYN AQUILA: Right.

DOUGLAS KELLNER: \$500 judgment against them.

EVELYN AQUILA: I know.

BILL McCANN: We have an excellent system in place on our original core group of filers, which is for the statewide offices, Senate, Assembly and local offices

EVELYN AQUILA: I know that, I'm thinking about the ones we don't know as much.

They have very little notoriety, people don't know they were around, but they ran for office anyway.

ELIZABETH HOGAN: There are a lot of those.

ELIZABETH HOGAN: Did spend money and did have contributors and collected money. I just was wondering, you know.

ELIZABETH HOGAN: We do the best we can to identify those people.

Last summer

EVELYN AQUILA: Do we list them on our site?

Do they get listed at all?

ELIZABETH HOGAN: They don't

We are talking about not knowing who they are.

EVELYN AQUILA: No, the ones we have to go after.

ELIZABETH HOGAN: Individually listed.

EVELYN AQUILA: It might be a good way to say to them.

Hey, my name is up there, I ought to send in the papers, let them know.

ELIZABETH HOGAN: That's certainly an option.

EVELYN AQUILA: Thank you very much.

DOUGLAS KELLNER: The Court's papers are on the Court's Web page. You can look them up.

ELIZABETH HOGAN: Judgments, yes.

DOUGLAS KELLNER: All right.

Any other questions for campaign finance?

(There is no response.)

DOUGLAS KELLNER: Then we will turn to George Stanton.

GEORGE STANTON: Thank you, Commissioner.

Obviously over the past few months we have been putting a lot of focus in keeping an eye on NYSVoter and all the counties' interaction with NYSVoter and making sure it was going to hold up under the first big test of the election, which it did.

Now things are returning back to normal in IT.

I have had a chance to run some actual numbers on some other things and for instance, I looked this morning and saw that we loaded over 10,000 campaign finance reports over the course of the election cycles.

Taken about a thousand help desk calls.

We've also been, now that the election is over, we are getting back to focus on knowledge transfer and taking over the, all of the pieces of NYS voter.

We are working on, we used to do a manual reboot, Saber did a manual reboot to clean things up which took place in the middle of the night on a Sunday night.

We are beginning to write scripts to automate those tasks now.

Saber is helping with that.

Some of my staff is writing the scripts.

We are going to start testing those this weekend to see how long they take and monitor to make sure that everything works all right.

Over the next few weeks we hope to be able to implement a lot of that so we don't have to have somebody when we take it over to have somebody on site during the middle of the night to do this manually.

Hopefully a lot of it is going to be done by scripts and then we will just have to monitor things after it's completed to make sure everything worked correctly.

So we have hoped to have that done over the next month or so.

In January we are going to start focusing with Saber on peeling back the layers of the actual application so that we begin to be understand the, you know, the programming and the application a lot better than we do now.

There are a lot of things that when something doesn't happen as expected, that Saber has to do as part of their maintenance, they have to figure things out and work with the counties to figure out what went wrong with the transaction and resend and that kind of thing.

We hope to be able to understand that enough to take over those kinds of things over the next several months.



We also held off during the election cycle on applying a lot of service packs, updates to software, because we didn't want to take the chance of a bad service pack from Microsoft or somebody, not to mention names.

But occasionally they don't go as planned and we didn't want to take any chances.

Now we are going to get everything updated to the latest service packs.

That's not only NYS voter, but all of our applications within the agency need to be brought up to date.

And other than that, we are just getting back to our routines of, you know, keeping everything tuned up and cleaned up.

There's a lot of maintenance and monitoring that goes on every day.

We are sort of getting back into normal mode of keeping up, trying to keep up with everything instead of focusing in on just the election.

DOUGLAS KELLNER: With IT, no news is good news. (Laughter.)

GEORGE STANTON: I almost said that the fact that everybody else is being successful, their projects are going on, it means we must be doing our jobs.

DOUGLAS KELLNER: I think that's certainly the case.

You only really hear about IT when the systems are down and nobody applauds when they are up.

But.

EVELYN AQUILA: But I appreciate when George came on board, he used Cyber talk. It

was

Very few people.

This young man here could understand every word of it, I'm sure.

It was very difficult.

We said George, please speak English.

We have to understand what this is about.

He has been wonderful and I thank you for that.

DOUGLAS KELLNER: I think we are learning Cyber talk, too.

EVELYN AQUILA: I think that's what it is called. It was certainly something I couldn't figure out.

GEORGE STANTON: Maybe you are coming over to the dark side. I wanted to say, Commissioner, I can look up your age in NYSVoter.

EVELYN AQUILA: Always a rat in the group, hmm?

(Laughter.)

DOUGLAS KELLNER: All right.

I don't think we have any old business.

EVELYN AQUILA: No, nothing.

DOUGLAS KELLNER: So new business?

Somebody put an item on, discussion of impact of closing on voting machine service center.

TODD VALENTINE: That was a letter we received, comments, you know, comments. The man who runs that is a man named Dale marshal.

He sent a letter to us, to the board, indicating that he would be closing.

What is important in that, and we are trying to discuss how that impacts life, that's a service center which supports, provides technical support as well as consumables that lever machines use for all of the lever machines including, I didn't know this, including some of the supplies for the New York City machines.

I didn't realize that.

What I

It's a big mystery how that actually impacts the counties.

I don't know if they

We are going to need the levers for some portion of 2009.

No question about that.

Certainly through the village elections in March.

I don't think we will have replacements by then, certainly not through June.

I don't know how, I really don't know how

DOUGLAS KELLNER: Is there any proposal? I

can share my reaction.

TODD VALENTINE: That's what we are looking for at this point.

DOUGLAS KELLNER: Let me say, I became New York City Commissioner in 1993 when the sky was falling because there were no replacement parts for lever voting machines and that was one of the reasons we had to get rid of the lever voting machines.

It was completely untrue.

It meant, and here this is a vendor who has provided services that have been valuable to the county board.

So I understand the county boards are frustrated that this vendor is no longer going to be in this market.

The vendor's letter specifically said, well, we're going to shut down unless the State agrees to subsidize this.

My answer to that is, no way.

Now, for the county boards, they are saying suppose we have to use the lever voting machines in September.

Where are we going to get the paper rolls for the lever voting machines?

Well, first of all, it's still my hope that that not happen.

But yes, it's possible.

And so people have to have a backup plan.

Paper rolls are not something that's unique.

You know, that's a product that can be acquired.

The same is true for many of these other issues.

In terms of spare parts for the machines, there are hundreds of AVM and chute machines that are available at, for just the cost, essentially just the cost of sending out a truck to pick them up.

And usually the jurisdictions that are selling them will ask for \$25 or \$100 for the machine.

So again, there's no shortage of spare parts.

It's just the efficiency of how to do it.

TODD VALENTINE: I mean, to that end, I mean, I had a brief conversation with them, with Mr. Marshal regarding this saying, you know, well, we got your letter.

You didn't really say much in the letter.

And he is looking for that.

You know, the one thing I did ask him is like, well, we don't really have a way to subsidize you.

It probably isn't going to come from the State absent some bizarre legislation being done.

DOUGLAS KELLNER: Total nonstarter.

TODD VALENTINE: He said no, he was looking for a commitment from the counties. We said that's not our problem; it's the county's problem.

I sent a quick note and copied Stanley on this to the two head of the Commissioner's association.

They have a meeting in December with their executive committees and their regional committees.

It's not an impact on the State board per se.

It directly impacts the counties.

And you know, they need to come to grips with

Right, spare parts should be available.

DOUGLAS KELLNER: Contingency plan.

TODD VALENTINE: Right, what are they going to do?

DOUGLAS KELLNER: To the degree that Anna's unit can facilitate some of the coordination

Let's just take paper rolls.

If, first of all, it really is my hope that we will be using the new machines in September.

And that we should do everything we can to make that happen.

But yeah, there has to be a contingency plan.

EVELYN AQUILA: Absolutely.

DOUGLAS KELLNER: The question is, how many paper rolls are there throughout the State already in the hands of the counties?

So that if we got into a dire situation that they had to use the lever machines in September or November, you know, how many new paper rolls would we really need?

TODD VALENTINE: That's right, that's exactly what we would be looking for.

EVELYN AQUILA: We need to know what's out there.

DOUGLAS KELLNER: Of course, the paper roll isn't legally required, not that I wouldn't want to use it.

You can use the Shoup. There are many AVM machines that don't have the paper roll feature.

EVELYN AQUILA: Right.

DOUGLAS KELLNER: Indeed, the EAC didn't even know that our AVM machines had paper rolls when they wrote their advisory on the lever voting machines in 2005.

EVELYN AQUILA: Well, they are in the back of the machines.

DOUGLAS KELLNER: Go ahead, Anna.

ANNA SVIZZERO: I was going to offer that Bob Warren has been contacting other state with lever machines to find out who their suppliers are.

Clearly the prices at Dale Marshal's outfit started going up I think the boards bought what they thought they needed to see them through a certain period of time.

I think boards like Suffolk and Monroe have warehoused parts because they didn't want to rely on a vendor providing them

The Shoup provider in the city and here in the City of Albany also uses chute machines may be able to provide some support in that regard and once we hear back from these other states

Bob has been in touch with Connecticut.

Not much luck in Pennsylvania yet.

Once we make those contacts we can certainly offer the counties some options.

I agree, there's no requirement that you use a paper roll. In my county we don't trust the paper roll for the re-canvass.

We reread every tumbler on every machine whether it had a paper roll on it or not.

There is a contingency plan.

The counties have to look at those logistics and realize what that means to the recanvass process and to their own in-house process.

It means a lot of road travel, but you're right, there are contingency plans we can look at if the counties want to discuss them once they reach a broader discussion at their own conference.

If we can get them additional suppliers elsewhere in the country, that would be a nice safety net for them.

And we are working on that.

DOUGLAS KELLNER: Let's concentrate on getting it, getting the scanners ready.

TODD VALENTINE: Don't let the contingency plan swallow up the main plan.

EVELYN AQUILA: What I have to say is even if we do certify these machine, not all of them may be delivered in time.

DOUGLAS KELLNER: Actually, most of the machines are already delivered. You already have

EVELYN AQUILA: They are?

(Overlapping speakers).

DOUGLAS KELLNER: All right.

EVELYN AQUILA: I knew some were, but I didn't think most.

I knew some were.

DOUGLAS KELLNER: You want to take up the management appointments?

TODD VALENTINE: We can do those now at this point.

We have two appointments that we would like to make.

One is - I know that I've given resumes to all the Commissioners.

One is to fill the public information.

These would be obviously; I put the copy out at the beginning-

We have to get the exemption from the hiring freeze from the division of budget, which we applied for those as well as the other positions that Liz mentioned earlier.

We are waiting for that and I know that Stanley has been in contact with the governor's office.

DOUGLAS KELLNER: Commissioner Aquila and I made a commitment that we weren't going to, you know, that we are going to support filling these Republican vacancies because there always was this understanding that.

EVELYN AQUILA: Absolutely.

DOUGLAS KELLNER: That the Republican Commissioners would not hold up the democratic appointments for some sort of trade off.

I certainly made clear to the governor's office that we really need to keep the bipartisan balance in the agency.

EVELYN AQUILA: So have I.

DOUGLAS KELLNER: These were commitments that we made.

And that hopefully we can address the budget issues in other ways than through the personnel.

So, you know, we will support getting it unfrozen to the extent that that's possible.

EVELYN AQUILA: I've even gone over the same subject with the Secretary of State.

TODD VALENTINE: Good.

Well, then, to that end, the first appointment we would like to put forward is John Conklin for the public information officer.

EVELYN AQUILA: Aye.

DOUGLAS KELLNER: Aye.

JIM WALSH: Aye.

TODD VALENTINE: And the second appointment would be for Joseph Burns for deputy director of election operations.

DOUGLAS KELLNER: Those in favor? (All members responded "aye.")

DOUGLAS KELLNER: Congratulations to them.

EVELYN AQUILA: Are they here?

TODD VALENTINE: No.

EVELYN AQUILA: Look forward.

TODD VALENTINE: Hopefully soon. We still have to work that out.

DOUGLAS KELLNER: Whether we can meet the payroll is another question.

JIM WALSH: Just don't look for

(Overlapping speakers).

JIM WALSH: Two volunteers.

(Laughter.)

DOUGLAS KELLNER: All right.

Now, somebody said they wanted to go into executive session on SYSTest contract issues.

Does anybody want to discuss any of the campaign finance preliminary determinations?

Can we do that now?

All right.



We move adoption of the preliminary determinations that are set forth in the agenda and provided in the packets.

BILL McCANN: Certain ones, you have a list, but they are going to look at the table specifically 0640, 0658, 0685, 0705,.

EVELYN AQUILA: Say that again?

These are to table?

BILL McCANN: These are to table.

EVELYN AQUILA: You want to table.

BILL McCANN: 640, 58, 85, 05 and 01.

EVELYN AQUILA: Eighty five and 11?

That's half the group, practically.

BILL McCANN: No.

Then on 06-100 there would be a modification of the determination language to add

EVELYN AQUILA: On 100?

You want a modification on that?

Okay.

DOUGLAS KELLNER: To add what?

BILL McCANN: That there was no evidence to substantiate.

ELIZABETH HOGAN: No substantiating evidence submitted with the complaint.

DOUGLAS KELLNER: Does that change the substance?

ELIZABETH HOGAN: It does not.

It doesn't.

I agree to that, yes.

DOUGLAS KELLNER: All right.

So we are tabling 0640, 58, 85, and 07

No.

And 0705 and 11.

So we are tabling five items.

We are modifying the final determination in 100 as you just reported.

And then we are approving 0642, 47, 48, 86, 92, and 95.

JIM WALSH: Correct.

DOUGLAS KELLNER: And 0712 as drafted.

EVELYN AQUILA: Okay.

DOUGLAS KELLNER: Those in favor? (All members responded "aye.")

DOUGLAS KELLNER: Opposed?

(There is no response.)

DOUGLAS KELLNER: All right.

So.

ELIZABETH HOGAN: They are tabled until when?

DOUGLAS KELLNER: The next meeting.

EVELYN AQUILA: All right.

Is that too soon for you?

ELIZABETH HOGAN: Fine with me.

DOUGLAS KELLNER: No, no.

EVELYN AQUILA: Okay.

DOUGLAS KELLNER: I would hope we would be able to move them then.

So the motion is to go into executive session to discuss SYSTest issues.

TODD VALENTINE: Are you going to come out for a vote?

DOUGLAS KELLNER: So there won't be any vote. Okay.

Can we also agree on our next meeting date before we go off?

TODD VALENTINE: Do we want to consider something else in December as a possibility?

I'm thinking two weeks from now because, three weeks from now is obviously the Christmas holidays and the week after that is New Year's.

That will be the week of the 15th, which I know the Electoral College is the 15th.

EVELYN AQUILA: What day of the week is the 15th?

TODD VALENTINE: It's a Monday.

EVELYN AQUILA: A Monday?

TODD VALENTINE: We can probably schedule it for Tuesday, is what I would suggest. I'm just going through, I know what is going on on the calendar.

EVELYN AQUILA: Twelve/16 is a Tuesday?

TODD VALENTINE: I don't know anybody's schedule.

That's the only week I can see that we can do it.

We could do it tentatively.

DOUGLAS KELLNER: I don't know whether I had a commitment on the 16th or the 18th. I know I have a commitment on the 17th.

TODD VALENTINE: We can do it tentative subject to

DOUGLAS KELLNER: Tentatively say the 16th and then January, the state of the State is the 7th, I believe.

ANNA SVIZZERO: First Wednesday?

First Tuesday

DOUGLAS KELLNER: Tuesday, the 6th would be great.

EVELYN AQUILA: By the 8th we'll know what is left of our money.

KIM GALVIN: Not really.

DOUGLAS KELLNER: The 6th.

JIM WALSH: 6th of January?

DOUGLAS KELLNER: 6th of January

EVELYN AQUILA: it's a Monday?

DOUGLAS KELLNER: A Tuesday.

EVELYN AQUILA: Okay.

I think.

I have to check my calendar.

DOUGLAS KELLNER: These are all very tentative at this point.

EVELYN AQUILA: Sixteenth and the 6th we're talking about.

TODD VALENTINE: All right.

The county association winter conference is the 21st?

20th?

KIM GALVIN: Twenty first and 22nd.

DOUGLAS KELLNER: Okay, that's good.

EVELYN AQUILA: The 21st?

TODD VALENTINE: Of January.

DOUGLAS KELLNER: Which means that, well

EVELYN AQUILA: That's a maybe, the 21st?

DOUGLAS KELLNER: No, the 21st is the state conference.

EVELYN AQUILA: Oh, yes, yes.

DOUGLAS KELLNER: If we are all there, we can take up the

EVELYN AQUILA: Can we go?

Because of the budget constraints?

(Overlapping speakers).

DOUGLAS KELLNER: We should go if we can.

TODD VALENTINE: The answer is yes, we should be able to go.

EVELYN AQUILA: What are the dates of the conference?

KIM GALVIN: Twenty first and the 20th.

BOB BREHM: The travel date would be the 20th if you're staying there. It

starts 9 in the morning

EVELYN AQUILA: It's in Cooperstown, right?

DOUGLAS KELLNER: It's January 21.

It's the election Commissioners Association winter conference, the 21st.

JIM WALSH: January?

EVELYN AQUILA: January, yes.

JIM WALSH: It runs for how long?

EVELYN AQUILA: It's two days.

It's in Cooper'stown so city people like us need to get up the night before.

DOUGLAS KELLNER: Unless you want to leave 4 in the morning which I've done before.

TODD VALENTINE: We are not sure how much staff will be staying over. It's

not that far, but it's a little outside of our 50 mile radius.

EVELYN AQUILA: How far is it?

Must be 65...

TODD VALENTINE: It's an issue for the people who work here in Albany, not an issue for the Commissioners.

Well beyond everybody's 50 mile radius.

(Overlapping speakers).

EVELYN AQUILA: Is that a Wednesday, Thursday

Tuesday, Wednesday, Thursday?

So I know.

DOUGLAS KELLNER: The motion is to go into executive session and we do not anticipate coming back.

So we will ask them to turn off the tape.

Are we there?

Those in favor of going into executive session say aye?

(All members responded "aye.")

DOUGLAS KELLNER: Opposed?