

**Jim Walsh:** Our fellow commissioners and first of all we'll be doing a Board of Canvassers result certification and then we'll follow the beginning of our regular meeting of the Board of Elections. .

**Douglas Kellner:** So I'm Douglas Kellner.

**Evelyn Aquila:** Evelyn Aquila.

**Gregory Peterson:** Gregory Peterson

**Bob Brehm:** Bob Brehm.

**Liz Hogan:** Liz Hogan

**Bill McCann:** Bill McCann

**Joe Burns:** Joe Burns

**Anna Svizzero:** Anna Svizzero

**Dave Loomis:** Dave Loomis

**Tom Connelly:** Tom Connelly

**John Conklin:** John Conklin

**Paul Collins:** Paul Collins

**Kim Galvin:** Kim Galvin

**Todd Valentine:** Todd Valentine

**Bob Warren:** Bob Warren

**Josh Oppenheimer:** Josh Oppenheimer

**Joseph Adler:** Joseph Adler

**Susan Cohen:** Susan Cohen

**Chester Finn:** Chester Finn

**John McKnight:** John McKnight

**Aimee Allaud:** Aimee Allaud

**Jim Walsh:** Thank you all.

First order of business call to the order of business certification of the election results for the November 06, 2012 general election.

**Bob Brehm:** It's probably easier if we give you a report because of the nature of this year's certification is a little different. We have the Presidential Electors results definitive for all 29 electors of United States Senate for Kristen Gillibrand, Representative in Congress. Due to the time it is still taking to count the Executive Ordered affidavit ballots, we received partial certifications from every county Board of Elections. We don't have complete information once you get below United States Senate so it's probably easier for me to read the ones we are able to certify.

In the 1<sup>st</sup> congressional district Tim Bishop, 17<sup>th</sup> congressional district Nita Lowey, 20<sup>th</sup> congressional district Paul Tonko, 21<sup>st</sup> William Owens, 22<sup>nd</sup> Richard Hanna, 23<sup>rd</sup> Thomas Reed, 24<sup>th</sup> Daniel Maffei, 25<sup>th</sup> Louise Slaughter, 26<sup>th</sup> Brian Higgins, and 27<sup>th</sup> Chris Collins.

**Douglas Kellner:** So, what's going to happen for the districts that are in the second through sixteenth congressional districts?

**Bob Brehm:** When we receive the

**Douglas Kellner:** Are we not notifying the house of representatives of the election of those fifteen members?

**Bob Brehm:** We were able to notify the House of Representatives today with those that are done today. And I spoke with the clerks, the contact that we have for the clerk of the House of Representatives office last week. We send notification to the house in two ways, one in a secure envelop that gets to a special spot they ask us to send it. They're sending us an additional envelope to go there. They understand the ones that we're able to do today will be certified today and somewhere around the middle of next week, I wasn't sure the date you'd pick that we would send them a supplemental for those additional offices.

And likewise the same thing will happen for state senate and state assembly, those which we are able to do today and then we'll have to you know when we finish those other districts, supplement with a further mailing to those individuals.

**Evelyn Aquila:** Bob is the delay on the final information on these because of Sandy or is that the main cause of this?

**Bob Brehm:** Yes.

**Evelyn Aquila:** Yes.

**Bob Brehm:** The large number of individuals that voted by executive order caused those counties additional time and energy in order to verify those affidavits and to process them.

**Evelyn Aquila:** I thought that should be made clear that was all.

**Bob Brehm:** Yes. I don't if you want me to read the districts for the State Senate there's a lot more of them.

**Douglas Kellner:** Tell us the ones that we're not certifying.

**Bob Brehm:** The ones you're not certifying? I'll read the districts. We're not certifying 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, and basically all, the 5<sup>th</sup> district all the way through the 38<sup>th</sup>, the 40<sup>th</sup> district, 41<sup>st</sup> district, 46<sup>th</sup> district, otherwise those are recertifying.

**Douglas Kellner:** So why aren't we certifying for the last three districts? They we're affected by hurricane Sandy right?

**Bob Brehm:** Well the 46<sup>th</sup> is that Senate race that has the court order, correct. The one that is still pending.

**Bob Brehm:** 41<sup>st</sup> is covered by a court order. The 40<sup>th</sup> is still in areas that are partially within those areas that are not completed yet and the numbers that, we have partial certification from Westchester so we're not able to say with clarity the winner there.

The assembly, we're unable to certify district 9, district 13 through 15, 16 through 20, 21 to 22, 23 through 95, we're unable to do 103 to 106 as Dutchess County has not finished yet. And that's it. All the rest we are able to do.

And Justice of the Supreme court we are unable to certify the 1<sup>st</sup> judicial district their 4 seats, we were unable to certify the 2<sup>nd</sup> judicial district 3 seats, and the 4<sup>th</sup> judicial district because of the 46<sup>th</sup> Senate seat court case, the 4<sup>th</sup> position is based on a certification we receive within 71 votes but there are over 100 pieces of paper still tied up in the 46<sup>th</sup> district, court challenged so its unable to determine that 4<sup>th</sup> seat in the 4<sup>th</sup> judicial district. And then we're unable to do the 3 in the 9<sup>th</sup> judicial district, the 6<sup>th</sup> and the 10<sup>th</sup> judicial district, the 3 in the 11<sup>th</sup> judicial district or the 2 in the 12<sup>th</sup> judicial district. All the rest we have a winner for. Sounds like a lot when you say it that way.

**Douglas Kellner:** Alright so I move that we approve what we have.

**Evelyn Aquila:** I second that.

**Jim Walsh:** All in favor?

**All:** Aye

**Jim Walsh:** Opposed? Carried

**Jim Walsh:** I would ask everyone's patience, we have several pieces of paper that we have to sign here so just relax.

(Talking amongst themselves, signing papers)

**Jim Walsh:** I want to thank everyone for their patience. That concludes the meeting of our Board of Canvassers. We will now commence the meeting of our Board of Commissioners.

We have already had our introductions so we will move to the minutes. Everyone has a copy of the minutes of the last meeting. Do I have a motion?

**Gregory Peterson:** I make a motion the meeting minutes be accepted.

**Jim Walsh:** A second?

**Douglas Kellner:** Second.

**Jim Walsh:** All in favor?

**All:** Aye

**Jim Walsh:** Opposed? Carried. Minutes are approved.

Here are updates. Executive Bob Brehm and Todd Valentine please.

**Todd Valentine:** Well we just went through what we did most for the last since the last meeting which was pretty much conduct the election. Obviously, what happened between our last meeting and the election was Hurricane Sandy which you know for lack of a better phrase kind of upset the apple cart. We spent a lot of time, our role obviously we're not putting voting machines out in spots but is to coordinate and help the county boards in these instances with emergency management and to get the resources, to get them together with the resources that they need to conduct the election. That includes power sources, tents for polling sites, getting emergency management people to get the power companies on the phone to see what the status was on a daily basis and actually several times a day. I mean the one resource that we have is our communication network was operating so we could reach out to the county boards and get them on the phone on a

series of updates and they could talk directly with emergency management or whatever they needed to whether that be the FEMA people or state emergency management. And you know and as Commissioner Kellner testified at the City Board of Elections, you know we pulled it together. I mean you know the one you know there's always going to be a series of lessons you learn as we learned from the previous year with the storm that hit more up north. I mean it was on a much small scale, don't get me wrong. But the response is still the same. When you have the time you have to analyze your situation and figure out okay, it's not so much what do I need, it's like what can I do without. So do I need a building? Not necessarily if I can put a temporary structure up.

**Evelyn Aquila:** I saw one of them in Coney Island.

**Todd Valentine:** How much power do I need can I run off a generator. What is the machine, what is the voting system capable of doing. It's really what can you do without and then okay now let's help you get what you need to do the bare minimum. So, you know then the review of lessons learned going forward to the next year. You know as we learned from the last storm how to respond to that, how to respond quickly and to the credit to all the counties that were impacted, even those that were further away from the direct brunt of the storm, they did a great job. I'm not going to say it was all pretty, you know a lot of people were devastated not just the voters, but even the employees of the Boards of Elections. It was very difficult for them in certain circumstances which they lived in these areas. So they were without power. They were displaced you know. But they recognized, and that's the one thing we were trying to get across both Bob and I was that we're going to run the election. We really need to work together to figure out how to do that. And we did. Was it perfect? No. And certainly seen...

**Evelyn Aquila:** It was unbelievable Todd. I saw Coney Island, I saw the Rockaways, and I saw what you people did in those places. It was unbelievable. Maybe it wasn't perfect but only God could have made it perfect. I mean I saw things I never thought I would see before. I have a friend who lost their house and both cars in the Rockaways the harbor. I saw places that I never thought were just gone and yet on Election Day I went to many of those places and things were going good. And I give you congratulations for that. Not perfect but good.

**Todd Valentine:** No not perfect. We had as I said we had a lot of help from the voting machine vendors themselves gave a lot of assistance. They recognized that let's try to get whatever systems they could for the counties in terms of generators or other support help and they didn't run the election of course. But that's what they came in to do so. We're going to learn a lot of lessons from this. You know every time you go through a disaster, unfortunately, we've been through too many of them, you know you learn you try to build on that experience and going forward, that's what we're going to do. Is it a lesson to look at statutory changes and give more flexibility, to having more prepositioned temporary poll sites and a small number that can then be deployed on a smaller scale. You know it doesn't, we don't go a year by where a polling site doesn't have a problem.

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It's a big state, that's going to happen but never on this magnitude. So, really we're not going to congratulate ourselves because our job was to pull people together. The real congratulations goes out to the county boards, the election inspectors that showed up and certainly to the voters that persevered and over difficulty circumstances in some areas. So, you know not to go on too long about this but that you know we're still seeing the impact of that today as we certified those, the ripple effect of the storm onto the voters and the voting process itself is still continuing. I mean we'll get it done the winners will be certified and we'll get there. But that's pretty much taken up all of our time since.

**Jim Walsh:** I think it's appropriate for us to take this opportunity though to thank the people who did the impossible. I'm sure there's some disappointments out there, but what was seemingly impossible was accomplished by some people putting hundreds of hours of time and the sacrifices and devotion as they did in their duty. And I know some of my fellow commissioners here personally have seen, I'm an up-stater so it didn't reach this area, but what we saw on television, what you've seen in real life and you have some experiences I'm sure to tell that we're great, congratulations to people but also some great sympathy and empathy for people what they're going through and continue to go through. But yes I think when times are tough people rise to meet the occasion and it has been done by state, federal, local officials, volunteer groups and on and on. But I think we deserve to take a little bit of time of our meeting to give that recognition to those people and I open the floor if my fellow commissioners would like to comment on that while we're on it.

**Gregory Peterson:** I agree.

**Evelyn Aquila:** Half of the transportation in, I live in Brooklyn, we had power but we couldn't use it because we had 3 feet of water in the basement of the building and water and electricity you know don't go together. They were afraid should we put it on that maybe it's a big brick building. Maybe it would burn down. But I saw the water come all the way practically 5<sup>th</sup> Avenue and Bay Ridge. And then it went down. But everybody I knew everybody had a basement full of water. And they're thinking about that. They're not thinking about who's running for congress or president they knew, but congress who is it. They were at that point where they say don't even talk about the election and I didn't even open my mouth you know. They didn't even want to know about it but they rose to the occasion. And another thing is voting machines had to be moved all sorts of places. Here are the places you couldn't get in and out of any county cause you had to go across a bridge or in a tunnel. The tunnel, the Brooklyn Battery Tunnel today has only 3 lanes and that's the best it's been since the since Halloween only 3 lanes. Do you know what that means in waiting? I had to get into downtown Manhattan last night, 45 minutes just to get through the tunnel on a Sunday night, that's not as bad as a Monday night. So people have gone through. And when I went to the polls on Election Day, I was surprised at the smiles, the friendship, how nice people were all getting along. Who, those inspections and those people opening those polls what they had to do to get that poll open. I saw the one in Coney Island. Green and white you

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know like umbrellas they had there so people because they couldn't use the school. The school had no power. So they were out in the lines somewhere with generators. Everybody on the lines, big long lines, I said people come out to vote with all of this. I just, I mean Coney Island the coming out on Board Walk they'll have it up and running by the summer I bet, but you couldn't believe that that thing could ever be up again ever. And the houses in Coney Island weren't too bad because they're mostly their brick buildings. I guess they were like us they got the water in the basement. But when you go by the Rockaways because I went out to the Rockaways to help out a friend who lost their house, lost their house and another, my daughter's girlfriend, they live in Bell Harbor, they lost their house and their two cars. They feel they're lucky they got away with their life. And I went to both places. And unless you can see all the pictures you want on television, you walk into somebody's house and they've got 4 feet of sand, you can't even get the door open because the sand is in there. This is after a month of letting everything dry up. It is unbelievable and people are magnificent. I mean and I say the same to the people who work for us and the people who came out to vote. It took courage, it took guts, and it took caring and they did it and it's still not over by any means, any means, some of the trains are still not. They said the LIRR was running 100% but on Sunday hours, the trains that they just put up today.

So it's a people are still feeling the brunt of this what did they call it, the storm of the century? And they came through it and 33 people did die I mean I don't even know if that's the last number but that's the last number I heard. And I know like they say well Bay Ridge wasn't hurt. Yeah, everybody I know has got a house in Bay Ridge had water in their basement and you've got to wait for the guys to come around and pump you out cause you've got to get on the list, cause they can't they can only do so many houses a day. My son said to me mom come outside, you want to see something? I went out you could just see the Bay down there under the Verrazano Bridge because I live on 86, rising up while we were standing there looking out. It just it looked like something you'd see in a horror movie. The water just came up and call all the way, it didn't get to us we were on 6<sup>th</sup> Ave. which is like a hill but up to 4<sup>th</sup> Avenue and Bay Ridge that water came up there like it owned the place. Unbelievable. So it was some storm, yet those very same people were out on Election Day voting. God Bless them and I thank them all. They worked at it those that went out and voted.

**Jim Walsh:** And I know Commissioner Peterson went out to Long Island they were devastated in certain areas.

**Gregory Peterson:** The south shore in Long Island was devastated and some seashore communities that took a tremendous, tremendous hit. Rearranging after the Board of Elections rearranging that, getting the all the voting machines to the right places and get people out was a job and a half and yet typical of democracy if they are democracy, things did go smoothly it went we had an election and that's what we're certifying today with our hearty congratulations to those who sacrificed and had

**Evelyn Aquila:** had to move those machines across the counties lines was no joke.

**Jim Walsh:** I thank you commissioners. Bob Brehm

**Bob Brehm:** You know it's hard to add much to that other than you know everybody sharing their collective message. We were in all of those provided whatever support we can to the front line people. But you know the number of assessments of poll sites that didn't have power from Friday, Saturday, Sunday and we were around the clock, well not around the clock but all weekend long to try and support the emergency calls that were coming in. But Saturday and Sunday still were a tremendous number that didn't have power still, the people were working to get logistics to by Tuesday morning so it's a miracle that what was able to be accomplished and certainly it was an impact on everybody including the voters, but they did the best they could with the resources they had and...

**Evelyn Aquila:** They had from the Battery to 34<sup>th</sup> Street was flooded. No power. When did power go back on in Manhattan?

**Bob Brehm:** Saturday sometime or Sunday

**Evelyn Aquila:** Yeah Sunday.

**Jim Walsh:** Thank you and I think as we pointed out also congratulations went to the voters who really felt that no matter what they were going to go out and vote and they did. I compliment the voters.

**Evelyn Aquila:** Long lines. When I went around there were long lines everywhere but not more than 45 minute lines maybe and then towards the evening which I quit 45 minutes lines and I heard in the evening it could have been an hour and fifteen minutes. And they waited.

**Douglas Kellner:** I wanted to raise one issue with the Executive Report is that we're waiting for comments on two pieces of proposed legislation. One is the review of the election night canvass procedures bill that had passed the Assembly but did not pass the Senate and where I had raised this concern that the bill has separate procedures for New York City and New York and I've asked the staff to look at that and we still haven't gotten a report back on that yet. And I think that there's some urgency in getting that done this month. I mean I'm disappointed it's been almost 3 months since I asked that we do this and it still hasn't come back. So, can we get this done by January?

**Bob Brehm:** I believe it's...

**Douglas Kellner:** I mean at least get comments on it because I think that it's incumbent on us as the Commissioners to make recommendations as to just what those procedures



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should be and I think it's a very bad idea that there be separate procedures for New York City. That there should be uniform procedures and if something is optional, then it should be optional for everybody. But there shouldn't be one mandatory procedure for the 57 boards and then another mandatory procedure for New York City.

**Todd Valentine:** I disagree with that.

**Douglas Kellner:** We really need to get this before the Commissioners so that we can either present a unified view for the legislature, or if it can't be done, to say that there's a partisan disagreement that can't be resolved. Which I'm not aware of and I don't see any reason why there should be a partisan disagreement. So, can I get a commitment from you guys that we'll get a report on this to the January meeting?

**Bob Brehm:** I think we can. I understand your concern that it's not, that we were doing nothing else, but we have had a few conversations about it. Unfortunately our time was pretty much in the emergency response direction so we had hoped to have more by now.

**Douglas Kellner:** Alright. I understand but this is a priority and the clock is ticking away because the legislature is going to be meeting in January and we want to be clear about what our position is. And I think, alright.

The other piece of legislation does not have the same high priority but it's still important and it doesn't require a whole lot of work, I don't think which is the electronic poll book authorization. Which would simply be to provide the few words of the statute necessary so that county boards would have the options of using electronic poll books. Which I think are consistent with what I've heard, everybody agreed. But again, we need to get the language done and get this over to the legislature in January.

Alright thank you.

**Jim Walsh:** Thank you Commissioner. Legal Kim Galvin please.

**Kim Galvin:** Thank you Commissioner. There's not much to add to the report. On a lighter note about Super Storm Sandy, she seems to have extended two of the cases the Department of Justice was monitoring us on. I had thought that we were going to come to an end with the 06 case and 2010 case. With regard to the changes to the NYSVoter system, while I think Dave could probably speak to the logistics of the actual computer software system changes, apparently New York City did not get the training of their staff done so that has been delayed until probably, the full use has been extended to probably the end of February. It appears that we recently sent a draft report to the Department of Justice explaining that the staff that needs to be trained is still in the process of researching and counting ballots and doing the recertification for the numerous races that are still out. We've spoken with New York City and they assure us it is a priority for them moving forward. So we're all set and compliant and are not and with regard to the

monitoring of the military ballots we have a report, Tom and I have a report due to the Department of Justice in 14 days from the certification of the elections and as you can see there are many interim certifications, or some not at all so we don't really know what that's going to do to the timeframe. But other than that, at the end of those processes I am hopeful we will be relieved of those continuing obligations on those two matters.

**Jim Walsh:** Thank you. Any questions?

Election Operations, Anna please?

**Anna Svizzero:** Thank you Commissioner. We don't have much to add aside from our report obviously everybody was busy, we did have, as we would normally have in a presidential election, a tremendous amount of phone calls. And we had a lot of help answering those calls from a lot of other people in the agency so it's not just election operations who did it but it is the other units as well so we wanted to thank everybody for chipping in even with Election Day phone calls. There were, the phones just never stopped ringing. I'd like to add that I'm glad to have an optical scan system because where we didn't have power, we didn't have problem voting. If we had gone with DREs we'd be telling a very different tale today. So it was kind of interesting over the last couple of weeks to hear from some Commissioners who were big DRE fans to say that they too were glad that we had an optical scan system.

We have certifications before you today which means we'll be sharing those of you who agree to certify those systems sharing the procedures for doing those upgrades with the county boards and providing whatever technical support they need through Bob Warren and his team.

We collected election results such as they were and presented those and prepared those documents for you and we'll be continuing to do that until the whole certification is complete.

I don't have anything else to add unless you have any questions. Joe do you have anything?

**Joe Burns:** Just to add regarding Ballot design. We collected before the general election, the general election ballots for the counties that provided advice and suggestions and approved those were appropriate and with regards to the legislative packet, if there are any ballot design issues that come up on that, we'll be working with the appropriate staff people prepared to get drafts together. That's it.

**Jim Walsh:** Do we have any questions?

Public Information Office, John Conklin please.

**John Conklin:** Thank you Commissioner. We submitted a detailed written report. I don't really have much to add. I'm going to echo Anna's comments in that during the hurricane I would say the Public Information Unit was nearly overwhelmed by the volume of calls from the public and the press. We were here over the weekend before the Election Day, staff was here to help us. We had help from every single unit in the agency. So, I would like to thank those other staffs for helping us in particular our own staff Donna Mullahey helped Maryellen Reda, Robby Ann Guilbault all did above and beyond the call to assist with the phones. Tom and I handled a lot of e-mails.

We did a lot with the website in preparation for the storm, made a lot of adjustments and changes so people could get additional information. We Dave will talk about this in his report I'm sure, we expanded the band width and that was a tremendous help I think and I think we'll do that in the future as well.

We had a lot of hits on the website the three days leading up to the election, there was more than 800,000 hits on the website for that period of time. So I think we were able to get a lot of information out to the public. Where the local boards may not have been in a position to do that as well as we did. So I think we were able to be very helpful during that period of time. I don't really have much more to add than that unless Tom has anything he wants to add?

**Tom Connolly:** No I'm good.

**Evelyn Aquila:** The only thing I wanted to say. I may mentioned nothing about Staten Island because I didn't get there and I know that it was pretty tough in Staten Island I believe and I did feel I don't want them to feel I neglected Staten Island but I just didn't get out there.

**Jim Walsh:** Thank you. Campaign Finance Liz Hogan please.

**Liz Hogan:** Thank you Commissioner. In the interest of brevity really I have nothing to add to the written report and so I think I'll just stand with what we submitted. Basically it's a routine work and nothing more than the report.

**Douglas Kellner:** I noticed in the list of outstanding complaints that haven't been decided, that there's still 2011 items open and are there procedural issues that we can talk about without having to go into Executive Session on what we need to do to get these done but I want to reiterate that I think it's unacceptable to leave those hanging around for a long time unless there's a real issue and that if you're if you're not capable of getting the job done, then you have to bring them to the Commissioners and we'll do your job for you.

And as I say you know what's the story? Well Bill if you haven't gotten them done by the time of our next meeting, bring the files in here and we'll do them ourselves. But it's

not right. It's just not acceptable and you know I keep raising this. And I see that most of these are assigned to you to do and you just can't sit on them. You've got something to do and you've got to get it done.

**Jim Walsh:** Any other questions? IT Dave Loomis please.

**Dave Loomis:** Thank you Commissioner. I don't have anything to add to my written report. Kim and John touched on the other topics.

The only other thing I wanted to add was that in addition to the support that you've talked about so far for the election, we also got some support from various state agencies, House of Finance in particular helped us with posting a 1-800 number from their call center so that we could answer phone calls on voters on how to find their voting places and questions about the election. I think that was, although we still got inundated but they did handle thousands of calls for us so that was a good an extra thing I'd just like to mention.

**Jim Walsh:** I know we've had a lot of conversation thanking people so if we've missing anyone, I think this is our opportunity. I know a lot of state agencies were involved and counties and cities and towns, but if something comes to your mind just drop it out here. We can fit it in the schedule. Don't worry about it. There's always time to thank people.

Thank you Dave. Old business? Alright.

Time to vote on resolution to certify the upgrades to ES&S DS200 voting systems and Automark and Dominion Image Cast Voting Systems and Ballot Marking Devices. Any comment before we do that Anna or Joe?

**Douglas Kellner:** We had received extensive documentation and several hundred pages of documentation and going through all the issues and for my part, I reviewed it and I have no, no objections. I think that a complete and thorough set of testing was done that warrants certification. So I make motion for approval.

**Jim Walsh:** Is there a second?

**Greg Peterson:** Second

**Jim Walsh:** All in favor?

**All:** Aye

**Jim Walsh:** Opposed? Carried.

**Kim Galvin:** Just for clarification I'd like to add to those that are watching us that is the certification of the upgrade that contains the new over-vote-double vote screens for court actions and...

**Jim Walsh:** Alright thank you. The next item for a vote is the vote on the resolution to certify Dominion Image Cast Central Count and ES&S DS850 Central Count Optical Scan Voting Systems. Do we have a motion?

**Douglas Kellner:** I so move. Similarly, we've received complete reports and Anna I assume that you will be posting on the website the information that the rules require and made public right? Alright so I move the adoption of this and after we vote I have one comment on this subject

**Jim Walsh:** Do we have a second?

**Greg Peterson:** Second.

**Jim Walsh:** All in favor?

**All:** Aye

**Jim Walsh:** Opposed? Carried.

**Douglas Kellner:** Alright so on this subject, we've now certified Central Count Optical Scanning Voting Systems that comply with the current regulations. We have Optical Scan, we have Central System Optical Scans that were certified in the 1990s that I'd be very surprised whether they actually comply with the current regulations. And just ask Anna and Joe whether they have discussed it at all, what we're doing to do about these old scanning systems?

**Anna Svizzero:** Well we are going to notify the vendor that the new system has been certified and also find out from them in a formal way. We've had some informal conversation as to what their plans are for the team work system which was a Sequoia product which is now governed by Dominion. So once we get something formal from Dominion as to whether or not they intend to submit that system for certification we'll move forward with some sort of protocol allowing a transition period from the Sequoia system to the new system and bring that to the Board. I expect to hear from Dominion before the next meeting so we have an idea. The larger counties may need a little more time to transition. We haven't really talked about it but that was our goal to come up with a protocol to decertify the existing system and a period of time through which the counties would have to make the transition from their existing Sequoia system. All of the counties that do automated central count systems use that same old system. So they all have to make that transition.

**Douglas Kellner:** So I would ask as the next meeting that there be a more detailed plan laid out on how to do that. And it seems to me that there are really 2 options; one option is for Dominion to show that the old system meets the current regulations. Or alternatively, if Dominion is unwilling to do that, then New York City or some other county board that's using that system would have the option of doing that themselves. That New York City could ask to have that system certified. Or it could show, cause it's really decertification, cause it was certified in the 1990s but the issue is whether the system meets the current regulations. And so even if Dominion decides that they don't want to certify it, that they don't want to submit it for review, if New York City thinks that it does comply then they should have the option. So they shouldn't be forced to buy new equipment if they think the old equipment meets the new regulations.

But certainly this has been something they've been aware of for the last, I think it's about five years we've been talking about the eventual decertification of the old scanners so it's time now to have a real plan on what's going to happen on this. And as I say, I don't think it's only the vendors calling the shots here. If the county boards want to keep the old system, and the vendor isn't going to necessarily cooperate because the vendor has an interest in selling new equipment, the county should still be allowed to go through that process itself to show that the machine meets the regulations.

**Evelyn Aquila:** Would we have some licensing issues then? That's the issue for the city the money.

**Anna Svizzero:** We'll figure that out later.

**Douglas Kellner:** Let's call out the machine people in the county boards that are using this to find out what they're planning to do and to have a little dialogue on what works here. But again the idea is we have to move forward on it with a concrete plan soon.

**Evelyn Aquila:** I would handle it very casually because there's so many people involved here. I wouldn't want the City Board to think that we were trying to go behind their back even though we're not because we're on where everyone could see us. And number two I think the biggest problem that they're going to get when they talk about buying new machines is money. The City is not going to cover this, the city right now is begging for money just to take care of what happened in the hurricane. So we must have machines that work properly and do the right thing. That's our obligation. And I support Douglas in that very much. But I think we have to handle this very diplomatically and very carefully. That's the only thing I have to say about it.

**Jim Walsh:** Thank you. We just have an informational item on our agenda. Engineering changes and orders ES&S. Anna or Joe have any comments on that?

**Anna Svizzero:** No those are minor changes to the system. They are submitted for testing and the lab have described them as being de minimus so they don't require any

sort of an upgrade and it doesn't require a board vote, it's informational to the Commissioners. And we'll be sharing that with the county boards as well.

**Jim Walsh:** Thank you. Our next item on the agenda is a vote on a resolution authorizing expenditure from State Operations the HAVA fund for the replacement of networking equipment. Dave Loomis.

**Douglas Kellner:** I move the resolution.

**Jim Walsh:** Do I have a second?

**Evelyn Aquila:** Second

**Jim Walsh:** Any comments. All in favor?

**All:** Aye.

**Jim Walsh:** Opposed? Carried. Setting up our next meeting day. I don't know we've actually zeroed in on it. I know we have other activities scheduled first. We have one before then.

**Evelyn Aquila:** We have to meet at that yes. We have to meet.

**Bob Brehm:** So we need a meeting next week

**Evelyn Aquila:** To sign the other...

**Bob Brehm:** to approve the outstanding certification and the City Board of Elections provided Tom and I with a best estimate last week. They called and said they had good news and bad news and when they gave us the news we weren't quite sure which one it was so we asked. The good news is that things are progressing and that they thought they'd make the deadline working around the clock between now, or long hours, they're working 12 hour shifts at the city 7 days a week to complete this work. And that they feel that they are comfortable it will be done by the 18<sup>th</sup>. The bad news was they thought they might be able to get it done earlier but don't really think they're going to get it done earlier. So Westchester County's estimate is they'll be done mid week this week and Nassau County's estimate is that they'll be done today. So that leaves the large entities that haven't been able to certify because they haven't completed their work. There still are one or two court cases that are outstanding. I don't know what will happen between now and then to estimate on those schedules, but certainly we couldn't do anything until the 19<sup>th</sup> at the earliest, and then it's whatever schedule works best for you and then how do we best get the signatures collective?

**Jim Walsh:** Is it permissible for us to hold until you get a date you can specifically do it or do we have to make it right now?

**Todd Valentine:** No you don't have to name it right now. We can wait.

**Jim Walsh:** Do you want to hold until you feel you're ready?

**Bob Brehm:** I think we don't have a way to know you know

**Todd Valentine:** I would say the afternoon on Wednesday knowing that I'm not exactly sure when the city is going to give us what they're supposed to give us and other counties too but.

**Evelyn Aquila:** Well I thought we were going to be on the cam rather than come up here right?

**Todd Valentine:** Yeah I don't think we'd come up here. I think this would be a...

**Evelyn Aquila:** Cause I could go to Doug's Office.

**Todd Valentine:** Yean if that works out for you a video meeting would be the most efficient as far as getting together. The time involved to do the vote will be quick.

**Evelyn Aquila:** We did it in the morning the last time I think around 11:00. I'd like to beat the traffic you know. The traffic is unbelievable. It's Christmas in New York.

**Todd Valentine:** Yes it is

**Evelyn Aquila:** New York City

**Douglas Kellner:** Albany too is...

**Todd Valentine:** No we understand. But we could set a tentative date and you know cause I think it's at that point we should be ready on Wednesday.

(Talking)

**Douglas Kellner:** When do you want to do it?

**Evelyn Aquila:** Well in your office.

**Douglas Kellner:** Yeah but when?

**Evelyn Aquila:** The 19<sup>th</sup>, the 20<sup>th</sup>.



**Douglas Kellner:** The 19<sup>th</sup> is Wednesday, the 20<sup>th</sup> is Thursday.

**Evelyn Aquila:** Either day. Wednesday I have my children cause I teach CCD but it's a party and the other two women will be there.

**Douglas Kellner:** So what about 2:00 on Wednesday.

**Evelyn Aquila:** Well I'm thinking isn't it better if we do it more in the morning hours, 11:00 because

**Douglas Kellner:** Is that what you want?

**Evelyn Aquila:** Well I think it would be better traffic...

**Todd Valentine:** We may not be ready Wednesday morning, I mean that's Thursday would be better, Thursday would be better than Wednesday to be honest with you. Thursday morning

**Evelyn Aquila:** Yeah but after the 20<sup>th</sup>. I'm sorry Todd, none of you have to shop but I do. With my grandchildren and my children.

All talking

**Jim Walsh:** Tentatively Thursday December 20, 2012 at roughly 11:00 a.m.

**Evelyn Aquila:** Jim did it up here last time right Jim. You were up here to get the signatures.

**Bob Brehm:** Well the signatures, I think because of the timing. We used a couple of techniques before where we sent it to one and then moved it around. But because of the delay in getting it done, I don't know that we want to spend the time for the overnight mail to catch all 4 of you.

**Todd Valentine:** Could we just have somebody deliver it?

**Douglas Kellner:** If you have somebody say ...

All talking

**Evelyn Aquila:** Jim is up here right and Greg is going to do it from his office and we'll do it I'll.

**Todd Valentine:** Yep we'll have a courier run down

**Evelyn Aquila:** Yeah and meet at his office?

**Todd Valentine:** That would be the most efficient because the two of you with be together.

**Jim Walsh:** Thursday the 20<sup>th</sup> at 11:00 a.m.

**Evelyn Aquila:** I need to write that, 11:00 a.m.?

**Todd Valentine:** 11:00 a.m. if that works for you.

**Evelyn Aquila:** And I need to get the address of your office again. I know it's West Park Avenue?

**Jim Walsh:** Is there any need to vote to go into Executive Session?

**Douglas Kellner:** No I move that we adopt the preliminary determinations that are set forth on the agenda.

**Greg Peterson:** Second

**Kim Galvin:** Could I just clarify one thing?

**Jim Walsh:** Shall we vote on this now? All in favor?

**All:** Aye

**Jim Walsh:** Opposed? Carried. Okay

**Kim Galvin:** Just on the new business vote on the certification upgrades and the Central Account Systems, those are four separate resolutions. You took them in two votes but just so that you meant to vote on four separate ones. For clarity of the record.

**Evelyn Aquila:** I think we realized that.

**Jim Walsh:** Do I have a motion to adjourn?

**Jim Walsh:** To adjourn. Second? All in favor?

**All:** Aye

**Jim Walsh:** Carried we're adjourned.

**Susan Cohen:** I was hoping to make a quick comment.

**Jim Walsh:** well we are adjourned so you can do it off the record if you like.

**Susan Cohen:** I was hoping to get it on the record.