

Approved January 23, 2008

**Minutes of The New York State Board of Elections
Wednesday, December 12, 2007**

The meeting of the Board of Canvassers of the New York State Board of Elections held at 40 Steuben Street, Albany, New York in the 4th Floor Conference Room at the offices of the New York State Board of Elections in Albany, New York was called to order at 12:10 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Neil Kelleher, Evelyn Aquila and Helena Donohue. Staff present were Stanley Zalen, Peter Kosinski, Todd Valentine, Paul Collins, Elizabeth Hogan, William McCann, George Stanton, Lee Daghlian, Bob Brehm, Anna Svizzero, Allison Carr and Deirdre Hammer. The guest list is attached.

The Board of Canvassers met to certify the results of the General Election held on November 6, 2007 for Supreme Court Justices and Proposition 1 an Amendment. After lengthy discussion concerning the fact that vote totals from some counties were missing due to court actions, the Board of Canvassers certified the results except for Proposition 1 and the 10th Judicial District. They recessed until later in the meeting to receive the results from Suffolk County and the regular meeting of the Board was opened at 1:00 p.m.

Minutes of November 29, 2007 - accepted as written. **The vote was 4-0 to approve.**

Unit Updates:

- **Election Operations:** Anna Svizzero recited a list of activities and accomplishments since the last meeting. There was discussion on completing contract signing of the testing lab - SysTest. The kick-off meeting between the State Board and SysTest is scheduled for December 18th. Also, that several Bid proposals have been received for both Plan Lot I Voting Systems and Lot II Ballot Marking Devices and that contract negotiations have begun with the initial proposers.

Ms. Svizzero also reported that they are working with the Presidential Candidates filings for the Presidential Primary on February 5th, 2008.

There was a discussion on the time-line for certification that would be delivered to the Federal District Court.

There continued to be a discussion on the time-line for both Plan A (Lot I – Voting Systems) and Plan B (Lot II - the ballot marking devices). Staff and Commissioners agreed on how the time-line should look. Ms. Svizzero further explained that the Elections Operations Unit delivered to each county board of elections two copies of the Voting Equipment Storage and Transport Guide.

- **NVRA/PIO:** Lee Daghlian gave a general report on how things are going in his unit. Lee

asked for approval from the Board to return to the State Fair. The paperwork needed to be signed and returned by the end of the year to the State Fair people in Syracuse. **It was so moved and voted 4-0 to go attend.**

Mr. Daghlian also reported on having the first web-based poll worker training program meeting with the contractor- SOE. That meeting went well.

Mr. Daghlian gave a summary of the complaints received concerning handicap accessibility as prompted by a question from Commissioner Kellner.

- **Campaign Finance:** Liz Hogan reported on several projects that the Campaign Finance Unit is working on including a proposed procurement to obtain process server services; efforts to finalize the Administrative Complaint process; and, the status of activities to install an operating system neutral campaign finance filing system. Ms. Hogan also introduced Kim Galvin as new counsel in the enforcement unit.
- **ITU:** George Stanton reported on a workshop conference in Washington he attended put on by the National Academics of Science. Deirdre Hammer and Elizabeth Mowrey also attended. There were eight workshops that had to do with computers and information gathering for the election field.

Mr. Stanton described several other issues they are working on.

- **Legal Unit:** - Todd Valentine reported on the conversations with Suffolk County Commissioners so that the process of certification of the 2007 General Election can continue. Mr. Valentine and Mr. Collins both reported that they had the approval to certify from one Commissioner but not the other. There was a decision to wait a little longer before they move to certify the election results.

A petition issue was presented to the Commissioners having to do with the Presidential Primary. The petition was seriously deficient and the staff recommendation is to rule it invalid. **It was moved to declare the petition invalid. It was so ruled - 4-0.**

- **Old Business:** Fees for testing of open source software was next on the agenda and it was decided to wait for feedback from the public. This would be carried over to until the next meeting.

On the issue on making a recommendation to the Legislature on the subject of the inquiry into vendor political contributions and make it conform with the new statute. It was decided to draw up a resolution for the next meeting and discuss and consider voting on that. There was a discussion on possibly changing the regulations on postmarking of documents, mostly nominating documents mailed to the board. It was recommended that it be on the agenda for the next board meeting.

- **New Business:** There was a discussion to put together a procedure to employ when there are problems with the canvassing of the votes from the counties when they don't meet certain certification deadlines. After a lengthily discussion, it was agreed that counsel's office come up with proposals for the next board meeting.

Budget issue - costs for the certification process not born by the vendors and a recommendation that \$200,000 be placed for that purpose into the AState Certification Fund. A motion was made to appropriate \$200,000 to be transferred to a State Certification Fund to pay for generic certification costs related to voting system certification. **The vote was 4-0 to approve.**

There were two enforcement cases without discussion in general session. **The preliminary determination to close CMP05-52 and CMP05-62 were approved. The vote was 4-0.**

The next meeting will be held in Saratoga at the Election Commissioners Association Conference on January 23rd at 10:00a.m.

At this time, Todd Valentine reported that the attorney for the Suffolk County Commissioners were certifying the results that we need and that would be here momentarily.

The meeting was recessed so the Commissioners could view the voting machines that had arrived and would reconvene once the certification was received from Suffolk County. The meeting recessed at 2:30p.m and reconvened at 3:10 to receive the Suffolk results and moved to certify the state results and the 10th Judicial District. **All those in favor - yes the vote was 4-0.**

The meeting was adjourned at 3:15 p.m.