

**Approved February 18, 2010**

**Minutes of the New York State Board of Elections  
January 14, 2010**

The meeting of the Commissioners of the New York State Board of Elections held at the offices of the New York State Board of Elections, 40 Steuben Street, Albany, New York in the 4<sup>th</sup> Floor Conference Room and was called to order at 12:00 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were James Walsh, Evelyn Aquila and Gregory Peterson. Staff members present were: Robert Brehm, Todd Valentine, Kim Galvin, Paul Collins, Elizabeth Hogan, William McCann, George Stanton, Anna Svizzero, Joseph Burns, John Conklin, and Patrick Campion. The guest list is attached.

**Minutes of December 15, 2009** – Minutes were accepted as written. **Commissioners Kellner, Walsh, Aquila and Paterson all voted to accept; 4 Yes and 0 No.**

**Unit Updates:**

**Executive:** Robert Brehm and Todd Valentine spoke on a few issues:

- Conference calls with the Pilot Program Review Committee are being held and have been very positive. We are using Web conferencing which is very convenient for the Commissioners
- Meetings are ongoing to review programs that other states are using to comply with the Military Overseas Voting Empowerment (MOVE) Act.
- Robert Brehm and Todd Valentine will be attending a conference at the end of the January in Washington DC. One of the main discussions will be on the MOVE Act.
- A representative from the Social Security Administration requested a meeting as part of the internal control that they are doing. The SSA wants to make sure that NYSVoter ID verification complies with the Help America Vote Act (HAVA). SSA selected 10 states that use the system the most. It was a positive meeting.

**Legal:** Kim Galvin reported on a few issues:

- Working with Nassau County and New York City to clear up any purchase order issues or contractual issues with OGS they may have.
- Participating in weekly status calls with the Department of Justice and also responding to DOJ's inquiry concerning various submissions.

**Election Operations:** Anna Svizzero reported on a few issues including:

- There will be a Special Election on February 9<sup>th</sup>.
- Status meetings with NYSTEC have resumed to update procedures that have been written and to also write some procedures.

- The vendors will be contacted for additional funds that are needed to close out their billing. Both vendors have asked that their test artifacts be sent to labs for federal certification.
- The upgrade packages have been written and provided to the counties. Bob Warren and his team tested them Albany and Saratoga counties helped with this and gave feedback. They made recommended changes and are sending the packets out today.
- The RFP to purchase a permanent asset management system is in its final steps. This will help the counties manage their inventory for assets that were purchased with federal dollars. We will be able to use this system to perform some of our oversight responsibilities.
- Commissioner Kellner asked Anna Svizzero to clarify exactly what happened in the council race on election day in the town of Tonawanda. There were several human errors at the Erie County board that resulted in issues. A test deck was created but the tapes were never validated by staff. On election night the Commissioners of Erie County reviewed the test deck and rectified the situation after changing the ballot configuration.

**Public Information:** John Conklin reported on a few issues including:

- The media which was used for the voting machine PSAs was significant and the amount of money spent was significantly leveraged.
- Plans for the annual conference being held on April 26<sup>th</sup> -28<sup>th</sup> are being finalized
- Extension contracts have been sent out to the counties for voter education on poll worker training money.

**Campaign Finance:** Elizabeth Hogan reported on a few issues:

- The unit is busy with campaign filings and an increase in the volume of phone calls. The January periodic is due on January 15<sup>th</sup>.
- Audit staff will begin after the filing of the January periodic a timeline for corporation audits to begin this year. Many individual reports have been created and Campaign Finance is looking at putting this information into electronic files as well.

**ITU:** George Stanton commented on a few issues:

- NYSVoter was shut down during the holiday period to defrag the system. It was also shut down in January for a short time to install server updates. The NYSVoter system will be shut down for a short period of time every quarter to install some service packs.
- The IT unit is also continuing to work with campaign finance to update the filing system.

**Old Business:**

- There was a discussion on the proposed formal opinion regarding the letter from the village clerk of West Hampton Beach. Discussions will continue.
- Kim Galvin presented the 2010 Legislative packet to the board. Next month there will be a draft of what will be needed to implement the MOVE Act. There was a

move to approve the Legislative package as proposed. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No). The package was approved.**

**New Business:**

- There was a lengthy discussion on the transition from lever voting machines to op-scan machines and what steps the county boards need to take.
- Robert Brehm gave an update on the major issues MOVE Act. There needs to be full compliance with the act by November 2010 General Election. The military or overseas voter will be able to request an application in an electronic format and also request how they want to receive their ballot either by mail, fax or electronically. There was a lengthy discussion concerning a part of the MOVE Act is the requirement that states mail ballots to military voters no later than 45 days before the election and how New York State will implement it.
- There was a motion to vote on a resolution to extend the Storage Area Network (SAN) service contract. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No). The resolution was approved.**

There was a motion to go into Executive Session to discuss spending investigations and a personnel matter. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No). The recommendations were adopted**

The next meeting will be held on February 18, 2010.

The meeting adjourned at 1:45 p.m.