

**Minutes of the New York State Board of Elections
March 25, 2009**

The special meeting of the Board of the New York State Board of Elections was convened at the offices of the New York State Board of Elections, 40 Steuben Street, Albany, New York in the 4th 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: Stanley Zalen, Todd Valentine, Paul Collins, William McCann, Elizabeth Hogan, Anna Svizzero, Joseph Burns, John Conklin, Robert Brehm, and Patrick Campion. The guest list is attached.

This special meeting is to deal with the ballot challenges for Eric Sundwall for the special election of the 20th Congressional District.

Todd Valentine and Paul Collins were hearing officers. Paul Collins gave a report on the ballot challenges. The number of signatures that were required was 3,500. The report shows that the number of signatures submitted was 6,730 with an objection against 6,362. The number of invalid signatures that the hearing officers ruled on the basis of a strict reading of the statute was 3,786, leaving only 2,944 valid signatures which make the petition short by 556 signatures.

Mr. Jeff Russell, a representative for Mr. Sundwall spoke and was very concerned that it would be wrong to take Mr. Sundwall off the ballot due to the fact that the military ballots have already been sent out.

Commissioner Kellner stated that this is purely a legal matter and we are bound to apply the election law as it is written. Commissioner Aquila remarked that she has always been concerned about the town issue. Commissioner Aquila believes that where a person receives his/her mail should be good enough, but that we are bound to reflect the state law.

There was a motion to adopt the report by the hearing officers to remove the candidate from the ballot. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

There was a motion to go into Executive Session to discuss investigation cases. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

- **The meeting went into Executive Session at 12:10 p.m. Back into regular session at 1:15 p.m. when the meeting was adjourned.**

The next meeting was set for April 7th.