

Approved April 16, 2008

**Minutes of the New York State Board of Elections
March 26, 2008**

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 12:07 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were James Walsh, Evelyn Aquila and Helena Donohue. Staff present were Stanley Zalen, Todd Valentine, Allison Carr, Paul Collins, Elizabeth Hogan, William McCann, George Stanton, Lee Daghlian, Bob Brehm, Anna Svizzero, Patricia Tracey, Deirdre Hammer and Greg Fiozzo. The guest list is attached.

The Board of Canvassers met to certify the results of the February 26, 2008 Special Election for the 48th Senate District. The Commissioners signed the certification and adjourned at 12:20p.m. The regular meeting of the Commissioners of the New York State Board of Elections convened at 12:25 p.m.

Minutes of February 15, 2008 - approved as amended, all in favor – 4-0.

Minutes of February 27, 2008 – approved as written, all in favor – 4-0.

Unit Updates:

● **Executive Directors** –

Todd Valentine reported there are three positions in the agency to be filled at this time. It was moved by Commissioner Donohue that the three positions be filled which are: Kim Galvin to Deputy Director of Election Operations, Bob Eckels to Supervising Investigative Auditor and Vikki Pietruccia to Investigative Auditor. **All in favor – 4-0 to accept the new positions.**

Stanley Zalen and Todd Valentine are in the process of setting up a regularly scheduled conference call with the Executive Committee of the Election Commissioners Association to give an update on what the Board is doing and to answer questions the County Commissioners may have.

● **Legal Unit** –

Allison Carr reported on pending cases and other legal matters. Allison and Paul Collins are working on updating the case log to be included in the Commissioners' board packets.

On March 13th, 2008, Todd Valentine appeared before the Second Circuit Court of Appeals concerning whether or not absentee ballots should be allowed for county committee. Also attending was Stanley Zalen.

- **Election Operations –**

Anna Svizzero reported on several issues.

Commissioner Kellner inquired about the status of the SysTest test data from the Ballot Marking Device examination. Commissioners asked Counsel's office to follow up on this subject with SysTest.

The Commissioners agreed that Election Operations put together a proposal to consider a plan to allow pilot counties to implement Lot I voting systems in 2008.

- **NVRA/PIO -**

Lee Daghlian reported on several topics including the upcoming conference.

Lee also reported that the HAVA funds program is making progress and the poll worker training program with SOE Software is on track.

- **Campaign Finance –**

Elizabeth Hogan reported on several ongoing issues. The Campaign Finance unit has been working at rewriting the Filer Handbook which will go to OGS to be printed on Monday.

The RFP for process server is underway and the bid is due on April 22nd.

- **Information Technology –**

George Stanton reported that the unit received an honor from the Center for Digital Government, a Best of New York award for the NYSVoter project for the best collaboration among organizations. Congratulations all around.

George also reported on several other issues the unit is working on

Old Business –

There was a discussion on the petition intake, review and objection process at the Board - Regulation 6204 - Commissioner Kellner suggested the Agency use the model for checking petitions and so forth that is used in New York City. Following a lengthy discussion, it was decided that the attorneys and the Election Operations Unit look at our process and review it and come back to the Board with any recommendations.

New Business -

Greg Fiozzo reported on an accessibility issues at polling places from NYSILC (New York State Independent Living Council, Inc.). Greg reported that there are a few issues that have yet to be settled, but every county has acknowledged their situation with the report.

Patricia Tracey gave a report on the budget. Pursuant to the discussion about what is in the budget for the cost of acceptance testing, there was a long discussion about the acceptance testing process and budgetary needs. The questions were left on the table as to how to proceed. There were other issues with the budget, including the need for any assistance of an accountant on the staff. Pat Tracey responded that none was needed. OGS acts as the accountant for the Board.

Anna Svizzero reported on the Resolution on SysTest funds asking for generic certification. The Resolution is to approve additional funding for generic voting system certification costs incurred by independent testing authority tasks. **The Resolution was passed by a vote of 4-0.**

The next Resolution is for additional funding for voting system certification costs incurred by provisions for NYSTEC independent security verification and validation. **The Resolution was passed by a vote of 4-0.**

There was a request from Cattaraugus County to change their voting machine order to another vendor. Because of the order and the dates including from the Federal Court case, we are required to stick to a certain time line and the cut- off date for machine selection has passed. The answer to Cattaraugus County is “no” and a letter will be drafted and sent to Cattaraugus.

There was a Resolution to approve changes in the hardware revision for the Sequoia ImageCast Ballot Marking Device. The motion was made by Commissioner Kellner and seconded by Commissioner Walsh. **The Resolution was passed by a vote of 4-0.**

The escrow accounts for vendors to pay for certification testing be brought up to a higher number \$750,000.00 for each vendor. A recommendation was made to send out such notices that the vendors and all concerned about this proposal and discuss at the next board meeting for a vote.

It was recommended that the next meeting be on April 16th, 2008 in Albany.

It was moved to go into Executive Session to review enforcement cases at 2:10pm. Regular session was convened to vote on the cases. A vote was taken and the results are attached to this report.

The meeting was adjourned at 2:25pm.