

**Minutes of the New York State Board of Elections
June 15, 2009**

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 4th Floor Conference Room and was called to order at 12:05 p.m. The meeting was chaired by Commissioner James Walsh. Commissioners present were Douglas Kellner, Evelyn Aquila and Gregory Peterson. Staff members present were: Stanley Zalen, Todd Valentine, Kim Galvin, Paul Collins, Elizabeth Hogan, Anna Svizzero, William McCann, Joseph Burns, John Conklin, Robert Brehm, and Patrick Campion. The guest list is attached.

Minutes of May 12, 2009 – were put on hold to next meeting

Commissioner Evelyn Aquila spoke about letters and phone calls she is receiving from the public in reference to the continuing use of lever voting machines in New York State. Commissioner Aquila wanted to respond to everyone that it is a federal law that we have to abide by and if anyone would like to complain they should contact their representative in Congress.

Unit Updates:

Executive – Stanley Zalen and Todd Valentine reported on several issues including:

- Petition filings primarily for judicial delegates will be mid July.

Legal – Kim Galvin reported on activities related to the Legal Unit including:

- Working with Election Operations on the pilot program, contract amendments and resolutions.
- Continued calls with the Attorney General's office and the Department of Justice.

Election Operations – Anna Svizzero reported that the Election Operations unit is working on several ongoing issues including:

- Status meetings with NYSTEC and SysTest are continuing.
- EMS orientation training sessions have ended. Twenty-two counties participated in the training.
- Looking into Web based training to save on travel time, money, etc.
- The City Board of Elections advised the Board that the matter of the election conducted on Staten Island using paper ballots is considered closed.
- Joe Burns is reviewing contracts and the staff is working with PIO/NVRA to look at procedures to manage the grant programs.
- Acceptance testing of the ES&S scanners will begin this week.
- There was a lengthy discussion concerning the three project assistant positions in the Election Operations unit that have not been filled as of yet.

PIO/NVRA – John Conklin reported on several ongoing projects in the PIO/NVRA unit including:

- The grant application for the federal HHS poll site accessibility improvement funds has been completed and sent to Washington.
- The filming of the television PSA was done on Friday which will be in both English and Spanish.
- Updates to the Federal Voter Assistance Program (FVAP) New York section of their web site have been completed. Also, a conference call was held to discuss pending legislation that would make it easier for Armed Forces personnel to obtain absentee ballots.
- Met with Department of Motor Vehicles (DMV) to discuss issues raised in the New York City Board of Elections letter regarding voter registration applications.

Campaign Finance - Elizabeth Hogan reported on several ongoing projects in Campaign Finance and Enforcement, including:

- Work has begun on the 06 statewide offices audit procedures.
- Elizabeth Hogan and Bill McCann are preparing a presentation for the election Commissioners Association conference.
- The 2008 corporate contribution audit is still underway.
- Commissioner Kellner asked if the Board should be collecting interest on the judgments. A lengthy discussion followed. Commissioner Kellner made a motion that the policy is to collect interest on judgments and that the staff can still make appropriate considerations. **A motion was approved unanimously to accept the resolution. (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

ITU – No Report

Old Business: None.

New Business: The Commissioners discussed several issues including:

- Vote on a resolution to approve additional funding for voting system certification costs incurred by the contract extension for and provision of NYSTEC independent security verification and validation services. **A motion was approved unanimously to accept (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Vote on a resolution to approve additional funding for voting system certification costs incurred by contract extension for and provision of NYSTEC project management support. **A motion was approved unanimously to accept (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Vote on resolution to approve funding for temporary contract staff and supplies to support optical scanner and ballot marking device accepting testing. **A motion was approved unanimously to accept (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

- Vote on resolution for proportional allocation of 2009 HHS access improvement grant funds. **A motion was approved unanimously to accept (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- There was a lengthy discussion concerning possible resolution regarding use of upgraded software by non-pilot counties.
- Vote on a resolution to have a mechanism in place where minor changes involving increased participation by counties in the pilot program or by counties wanting to participate in the program can be accommodated **by the Executive Directors. A motion was approved unanimously to accept (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Vote on a resolution to approve an amendment to the value of contract #C002852 for certification testing of voting systems by SysTest Labs, Inc. **A motion was approved unanimously to accept (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

The Commissioners then made a motion to go into Executive Session at 1:10 p.m. to discuss enforcement cases and litigation matters. **Commissioners Kellner, Walsh, Aquila and Peterson voted in the affirmative; 4 Yes and 0 No).**

There was a motion for the Commissioners to table CMP's 06-17, 08-52, 08-98 and 09-05. **Commissioners Kellner, Walsh, Aquila and Peterson voted in the affirmative; 4 Yes and 0 No)**

There was a motion to adopt the recommendation of Counsel to close all other cases on the agenda except CMP09-21 through CMP09-81, which is being referred to the District Attorney for the appropriate county. **Commissioners Kellner, Walsh, Aquila and Peterson voted in the affirmative; 4 Yes and 0 No)**

The meeting went back into regular session at 2:15 p.m.

The next meeting date is scheduled for Wednesday, July 15th at noon.

- Anna Svizzero had one more resolution for the Board. There was a vote on the resolution approving for use in 2009 in non-pilot count boards of elections, the upgraded software for Sequoia/Dominion Image Cast Ballot Marking Device and the ES&S AutoMark Ballot Marking Device that was authorized by the Board on May 12, 2009. **A motion was approved unanimously to accept (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

A motion was made to adjourn the meeting at 2:30 p.m. **The Commissioners voted unanimously to approve the motion. (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**