

**Minutes of the New York State Board of Elections
September 10, 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 Douglas Kellner. Commissioners present were James Walsh, Evelyn Aquila and Gregory Peterson. Staff members present were: Stanley Zalen, Todd Valentine, Paul Collins, George Stanton, Anna Svizzero, Joseph Burns, John Conklin, Robert Brehm, Robert Eckels, Cheryl Couser and Patrick Champion. The guest list is attached.

Minutes of July 15th and August 6th, 2009 – A motion was approved unanimously to accept the minutes as written (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).

Unit Updates:

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

- Stanley Zalen announced that the board has received the final paperwork from the Election Assistance Commission (EAC) to receive over \$14 million from the Federal government. The paperwork will be signed today and sent to the EAC.
- Stanley Zalen reported that the CEMAC (Citizen's Election Modernization Advisory Committee) has been invited to participate in continued functional testing on voting machines at the end of the month.
- Todd Valentine reported that some of the staff will be in the field on Primary Day to gain knowledge concerning the pilot program in a few of the counties.

Legal – Paul Collins reported on activities related to the Legal Unit including:

- The under vote resolution has left GORR (Governor's Office of Regulatory Reform) and is now at the Governor's office. The emergency regulation expires on October 19th, but if need be, the board can ask for an additional 60 days.
- Eight chapters of the laws 2009 were sent to the Department of Justice for pre-clearance
- The Village of West Hampton Beach is looking for a formal opinion. Counsel will prepare a draft opinion for the Commissioners to sign off on.
- Conference calls with the Department of Justice are ongoing. The Attorney General's office has settled the Ciber litigation and it is now being finalized.

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

- Ongoing weekly meetings with NYSTEC and SysTest are ongoing.
- Conference calls with the voting machine vendors are almost daily. Bob Warren is working closely with the vendors and the labs to keep the timeline on track.
- The acceptance testing site at the campus is up and running. The members of CEMAC have been invited to participate.
- On Primary Day there will be three teams of staff from the Election Operation Unit in the field to evaluate the pilot program.
- Commissioner Kellner asked if the Board is on schedule as far as the timeline is concerned. Anna Svizzero responded that there are a few issues with Dominion which they are addressing and are very committed to getting everything resolved. ES&S are more on target.
- Commissioner Kellner asked if the Board has received the interpretation of the COTSS (Commercial off-the-shelf software) from the EAC. Nils Ekberg from NYSTEC responded that the report that was drafted by NYSTEC and Ciber is still intact and that is what they are working towards.
- After the election, the staff will put together a report concerning the pilot program. A survey will also be sent out to the counties involved.

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

- The constitutional amendments for the November ballot have been translated to Spanish.
- A second draft of the new voter registration form is back from the usability expert.
- The revised poll worker training program is on the Vote-NY website. The counties will all receive CD copies from the voter education videos and also videos from the vendors.
- The HHS grant money from 2004 is about to run out. Waiting on four counties to respond.

Campaign Finance – Cheryl Couser reported on several ongoing projects in Campaign Finance and Enforcement, including:

- The unit is busy with phone calls due to the July order-to-show-cause.
- The unit is working on updating the campaign finance related information on the State Board website.
- Commissioner Kellner made reference to one of the enforcement cases concerning the opening of an anonymous website to post campaign information.

ITU – George Stanton reported on several issues in the Information Technology Unit:

- The IT Dept. is busy with campaign finance filing phone calls.
- Training by Microsoft to do health checks and use BizTalk for the NYSVoter system has been occurring.
- Oracle was rolled back to the previous version after several months of issues with the latest version.

- Commissioner Kellner asked for an update on New York City and NYSVoter. George Stanton commented that the interface to do voter maintenance is still not being used. This has started problems with other counties.

Old Business:

- There was a lengthy discussion concerning post election audit issues. Commissioner Kellner is in favor of adopting the proposed regulations while the tweaking process continues. There was a discussion on implementing an emergency regulation.
- Paul Collins gave an update on the on the voting system escrow issue. The escrow will be held in-house.
- There was a vote on the proposed amendment to NYSVoter regulation 6217.5. **The Commissioners voted unanimously to adopt the regulation. (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- The Commissioners went back to the proposed 6210.18 regulation that the county boards comply with the state board's proposed audit regulations pursuant to 6210.18.
- **The Commissioners voted unanimously to adopt the regulation. (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

The Commissioners made a motion to hold the next board meeting on October 6th, 2009. **(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 2:15 p.m. to discuss enforcement cases. **(Commissioners Kellner, Walsh, Aquila and Peterson voted in the affirmative; 4 Yes and 0 No).**