

**Minutes of the New York State Board of Elections
November 6, 2008**

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 12:00 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, William McCann, Elizabeth Hogan, Anna Svizzero, Robert Brehm, George Stanton, Patrick Campion, and Gregory Fiozzo. The guest list is attached.

Unit Updates:

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

- Notice by the Election Assistance Commission that SysTest Lab's accreditation as a certified voting system test laboratory (VSTL) has been suspended. This was followed by a discussion on the status of the
- There was also a discussion about a November 3rd communication from Governor Paterson's Office concerning additional checks on state agency spending.
- Work is ongoing on the internal controls project.

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

- The weekly telephone conference calls with Department of Justice are ongoing and notice was provided to DOJ concerning the status of the EAC suspension of SysTest Lab's VSTL accreditation.

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

- Election Day support provided at the November 4th General Election to ensure technical support for Ballot Marking Device (BMD) issues. In excess of 3,000 phone calls were fielded on Election Day.
- Efforts are underway to collect information from voters, county boards, our own staff members and others who attempted to vote on the BMDs on Tuesday. This information is being collected to see if additional support measures are necessary and for inclusion in future training sessions.
- A discussion on the guidance provided to county boards on issues related to ballot layout formats and ballot proofreading.
- Status of meetings between the State Board, SysTest and NYSTEC on the voting system certification testing program.

- Work continues to survey the county boards to determine how many additional voting units they may be ordering in 2009. This will help the state board plan for testing and production time.
- Unit is compiling specifications for both privacy booths and security seals; so that OGS can assist us in providing for state contracts from which county boards can directly purchase these items using their HAVA funds.
- Commissioner Kellner commented on his concern that some counties continue to indicate that they're not going to comply with the statutory requirement to canvass the emergency ballots at the poll site. This was followed by a brief discussion.

PIO/NVRA – Robert Brehm reported on several ongoing projects in the PIO/NVRA unit.

- During the month of October, approximately 52,000 voter registration applications and absentee ballot applications were received and processed for delivery to their respective county boards of election. Appreciation was given for the efforts of everyone at the State Board that assisted in this effort.
- Extra efforts were also provided to assist in responding to the numerous e-mail requests for information on many issues including voter registration applications; absentee voting and poll site locations.
- On Election Day, the statewide radio campaign was completed informing the public on the availability of the statewide Voter Education portal www.VOTE-NY.com. Staff will review the results of the media campaign and adjust the 2009 phase 2 efforts, if necessary.
- There was a discussion on staff activities to monitor compliance with NVRA and NYSVoter.

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

- An update was provided concerning the efforts to hire intake clerks.
- The education and training employees are working on recreating forms, registration documents and schedules to make them easier for use by the public. Also, efforts are underway to revise the campaign finance handbook.
- A status was provided on the scanning project – contract is at the Comptroller's Office.
- There was a lengthy discussion concerning the proposed 6200 regulation changes related to local filers filing at the State Board and on what needs to be done to accomplish this.

ITU – George Stanton reported on several issues, including:

- Beginning October, the State Board took over level one portion of the NYSVoter help desk support.
- NYSVoter is able to handle the work load and is performing as it was built to function:
 - Approximately 700,000 new voters were registered this year;

- At peak time, processing over 100,000 transactions every day, which includes new voter registrations and updates to names/address and corresponding audits.
- George gave an update on the increased website activity leading up to the voter registration application deadline:
 - In the days leading up to the General Election, the website has averaged about 100,000 hits a day; and
 - Voter Lookup and Find Poll Site activity received over 200,000 daily hits.

Old Business: None

New Business: The Commissioners took action on several issues including:

- The Commissioners considered a motion to approve a request by the Election Operations Unit and to appropriate a sum not to exceed \$500,000 and authorize the use of the State Operations/State Certification Fund for payment of generic costs for common, non-vendor specific and deliverable-related tasks performed by NYSTEC as related to voting system certification testing (copy attached). **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- The Commissioners next discussed the status of the SysTest decertification by the US EAC. There was a consensus to ask our staff to continue the efforts with NYSTEC and SysTest to complete the voting system certification test plans. However, actual voting system certification testing would be suspended until such time as SysTest has its EAC accreditation restored, or until January 31st, whichever comes first.
- The Commissioner next considered a motion to go into executive session to discuss litigation and personnel matters. **The vote on the motion to go into executive session was 4-0 in the affirmative. (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- **The meeting was adjourned to Executive Session at 1:50 p.m. Back into regular session at 3:45 p.m.**
- The Commissioners considered a motion to approve HAVA Complaint Determination No. 08-02: in the matter of the Commissioners of Elections in the City of New York vs. the Commissioners of the New York State Board of Elections (copy attached). **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

The next board meeting was tentatively scheduled for Thursday, December 4th.

The meeting was adjourned at 4 p.m.