

**Minutes of the New York State Board of Elections
December 13, 2010**

The meeting of the Board of Canvassers 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 12:05 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were James Walsh, Evelyn Aquila and Gregory Peterson.

The Board of Canvassers considered a motion to approve the Certification of election results for the November 2, 2010 General Election for New York State Governor, Lt. Governor, Comptroller, Attorney General, U.S. Senate, Supreme Court Justices, Congress, State Senate and State Assembly and Special Election in the 29th Congressional District.

- **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

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 was called to order at 12:15 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were James Walsh, Evelyn Aquila and Gregory Peterson. Staff members present were: Robert Brehm, Todd Valentine, Kim Galvin, Paul Collins, Elizabeth Hogan, William McCann, Anna Svizzero, Joe Burns, John Conklin, George Stanton and Patrick Campion. The guest list is attached.

Minutes of October 21st, 2010 – Minutes were accepted (Commissioners Kellner, Walsh, Aquila and Peterson all voted to accept; 4 Yes and 0 no).

Unit Updates:

Executive – Robert Brehm and Todd Valentine reported on several issues including:

- Most time has been spent participating in getting everything ready for the certification of the election.
- The Election Commissioners Association has scheduled their winter conference for January 25th thru the 28th in Rockland County and has asked the State Board to participate in a few workshops including asset management system and the 3% audit.
- The monthly conference calls with the Executive and Legislative Committee members of the Election Commissioner's Association will begin again this Thursday.
- There has been some work on putting together a list of legislative items for next year.

- Concerning the MOVE Act, a meeting was held with Scytl to discuss what worked and what changes can be made as we prepare to permanently implement the procedures.
- We are holding a technical workshop with each of the County voter registration system vendors, Commissioners and IT staff to discuss any improvements that need to be made to make it a permanent program.
- Survey's to the Justice Department and the Federal Voting Assistance Program concerning Election Day and the MOVE Act are being worked on by the Operations Unit.
- Commissioner Aquila asked that the Board discuss with the Senate Election Chair, Senator Addabbo the new legislation that the senator is working on.

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

- Weekly phone calls have continued with the Department of Justice and the Attorney General's office.
- Represented the Board in any impoundment orders that have been filed due to the election. We are working closely with the counties to notify them of any changes with the impound orders.
- Paul spoke on a few of the cases he is working on. The Nassau case has been moved to Albany County.

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

- Working with the counties with support, ballot issues, voter issues, etc. Most of the issues rising from Election Day are people oriented.
- Collecting information from the county boards concerning the audits. The report will be done for the next board meeting.
- Commissioner Aquila spoke about her experience on Election Day and what she, bob and Jeff Pearlman witnessed at different poll sites.
- There was a lengthy discussion on the EMS issue in Erie County to read the memory card and also other issues involving the new voting machines. Bob Brehm suggested that the board hold a workshop at the annual conference.

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

- Numerous calls and e-mails from the media, etc. concerning the election results, etc.
- Moving forward on preparations for our annual conference.
- Draft changes are being done on the voter registration form – adding the Green Party as a recognized party.

Campaign Finance – Elizabeth Hogan reported on the projects in Campaign Finance and Enforcement, including:

- Staff is very busy with the six extra filings due to the primary and general elections.
- Staff is working with the IT department developing new campaign finance software.

ITU – George Stanton reported in the Unit Update

- Staff has finished processing the campaign finance reports for the year.
- NYSVoter will be shut down for a few days between Christmas and New Year to do major maintenance on it.

Old Business: The Commissioners discussed a few issues including:

- VOTE on Resolutions to Determine Dominion and ES&S Claims that Certain Records are Trade Secrets pursuant to POL §89(5)(b) **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- There was a lengthy discussion of ballot usability. Issues were the “over-vote” and also ballot usability and design. Commissioner Kellner suggested that a staff person should be trained to be expert “usability person” at the board.

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

- VOTE on Resolution authorizing Funding for Alternative Dispute Resolution Services. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE on Resolution to Continue NYSVoter SAN (Storage Area Network) Service Contract. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- The Commissioners voted to adopt the preliminary determinations and those not requiring preliminary determinations as reported by the Campaign Finance Enforcement Unit except for CMP09-141 which is tabled until next board meeting. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- League of Women Voters of New York State
Aimee Allaud presented the 2010 Election Survey Report of the League of Women Voters of New York State.
- The next board meeting is scheduled for January 19th at noon.

The meeting was adjourned 2:15 p.m.