

New York State Board of Elections
Board of Commissioners Meeting
June 4, 2013

Douglas Kellner: Well good afternoon everyone. My name is Douglas Kellner, Co-Chair of this State Board and we'll call the meeting to order and ask the Commissioners to introduce themselves.

Jim Walsh: Jim Walsh

Gregory Peterson: Gregory Peterson

Evelyn Aquila: Evelyn Aquila

Douglas Kellner: And our staff?

Bob Brehm: Bob Brehm.

Cheryl Couser: Cheryl Couser

Bill McCann: Bill McCann

Anna Svizzero: Anna Svizzero

Joe Burns: Joe Burns

John Conklin: John Conklin

Paul Collins: Paul Collins

Kimberly Galvin: Kimberly Galvin

Todd Valentine: Todd Valentine

Tarry Breads: Tarry Breads

Bob Warren: Bob Warren

Douglas Kellner: And we welcome Aimee Allaud from the League of Women Voters

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Evelyn Aquila: As always faithful.

Douglas Kellner: Alright first item on the agenda is approval of the minutes of April 9th. Is there a motion to approve the minutes? Those in favor say aye.

All: aye

Douglas Kellner: Opposed? The minutes are approved.

We will do the Unit Updates. We will start with our Co-Executive Directors Bob Brehm and Todd Valentine

Bob Brehm: I think one of the largest or the more interesting that we did this past several weeks is both Todd and I and Bill McCann testified May 7th and May 20th before 2 different senate committees. The first was the Senate Election Law Committee and the second was the Senate Independent Democratic Conference. We were invited to give information regarding, I think it help me to clarify the work that we do on an ongoing basis with campaign finance enforcement and I think it was helpful for us to be there and to answer questions. There seems to be a misunderstanding that what is enforcement, what is an investigation, what are the numbers of what we actually do, the perception in some people's minds is we do less than we really are doing and I think we, I think did a good job explaining the tremendous amount of work it takes to keep track of the committees and support the training and questions that the candidates have, get the reports filed and do the work that we do with the resources that we have. So I thought that was very helpful. In addition to some of the general work that we do from month to month, we did tell you at the last report that we were near completion of the annual internal controls. It was completed and filed on April 25th. So that was good. We use that as an opportunity to meet with the units and review the critical programs that everybody has as well as what are some of the risks and what can we do from year to year to, one, keep the document up to date with new responsibilities that we receive, and also mitigate the risks that we have to the best we can. There also were a number of updates with project Sunlight. Both Paul and I attended many of them. I think there were 3 meetings that happened in that period of time and I think the biggest issue, especially for the 4 Commissioners is the change in the interpretation that was given us as to what is a covered communication. At the time telephone calls were included as covered communications and now, at 2 meetings ago they

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told us that it was optional at the meeting just recently. They told us no it's not optional anymore, they removed that as a reporting. So anybody who had reported telephone calls in the process no longer appear and there's no way to record a telephone communication as one of those items that we had passed out to all of you.

Evelyn Aquila: Can I ask a question? Bob what is Project Sunlight. You mentioned it to me, I've heard it but who are they? What are they, I don't know.

Bob Brehm: Well it's the requirement that was in the ethics law that passed, I don't know how many years ago now, 3 years ago, that communications that occur be recorded. So it's basically

Evelyn Aquila: But that's not called Project Sunlight?

Bob Brehm: That's what they call it.

Evelyn Aquila: They do?

Bob Brehm: That's the implementation of this phase. This part of it so I mean theoretically the communications that are written are covered by FOIL. The verbal, if we have a meeting and it's certain categories that are covered communications, so within those covered categories if we have a conversation, a meeting with individuals, there's a requirement that it be recorded electronically within 5 business days into this system that they've created, a computer database and all of it is Project Sunlight.

Evelyn Aquila: Yeah I never heard that referred to by that name. I'm saying to myself...

Bob Brehm: So that was the communication we had indicated they were...

Evelyn Aquila: And who are you actually reporting to with that, this project?

Bob Brehm: It's a statewide database so at some point it will be available to anybody, members of the public to log in and look.

Kim Galvin: Governor's program log. It's an executive program.

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Bob Brehm: It's an executive program.

Evelyn Aquila: Now is it reported to the government besides in a different way? Or just the same way everyone else.

Bob Brehm: It one uniform database everybody...

Evelyn Aquila: Alright thank you.

Bob Brehm: ...everybody reports. So we adopted a procedure which we have to amend now to just update that verbal communications aren't covered. So those conversations can, as a, pardon me?

Paul Collins: Telephonic

Bob Brehm: Telephonic sorry, you're correct. That's why we bring Paul with us to those meetings.

Evelyn Aquila: Who was at that meeting like to hear what you had to say?

Bob Brehm: Well it starts with the Governor's Counsel and they bring in all of the agency. We had to identify who Project Sunlight agency contacts and all for those meeting purposes our contact Tom Jarose helps with getting everybody logged in, what's your password, those kinds of administrative functions. We have Tom help and then you know there's training for everybody and we develop, you know, a paper way of writing it down if you're having one of these meetings so that you can then go put it in the computer and at least record all the information you needed.

Evelyn Aquila: Oh I could figure what Project Sunlight might have meant just by the title of it but I really have asked the question more for the public. You know do they understand what it is? I mean we record we keep the, let everyone know during our meetings what we meet for and what we talk about. I just thought it was more, I needed the clarity myself and I'm glad I have it now. Thank you.

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Bob Brehm: At some point the program will be launched when the Executive is ready and then it will be online and anybody can go look at this data. I think they're trying to work out

Evelyn Aquila: It's not available yet?

Bob Brehm: It's available internally that we understand what we're supposed to report and train and get everybody putting the information in, but we're not, the only thing we've heard is it hasn't been launched publicly yet. Right now it's internal.

That covers probably the larger of the items other than

Douglas Kellner: The rest we'll hear in the Unit Reports I think. Todd did you want to add anything?

Todd Valentine: No no we're good for right now. Just want to make sure

Gregory Peterson: That took a while to filter through I think.

Douglas Kellner: Ah there are no real bullets in that. There are number of bullets in the written report and of course anybody who wants the written report can send us an e-mail and we'll forward them the written report.

So let's have the report from legal. Kim Galvin.

Kim Galvin: Most of what we've done is in the written report. There just has been obviously an increase in county board and citizen calls regarding ballot access for the local elections that occupy a lot of time. Other than that, we've attended the hearings and helped develop the testimony and we've attended Project Sunlight and I happen to be the Ethics Officer for the agency so I alone had several JCOPE training sessions to attend which were very good. And now I have to train the staff live on what I've learned. I went to the train the trainers. So they're busy training us on a lot of different aspects of things. Do you have anything to add?

Paul Collins: Over the last month in preparation for the Election Commissioner's Association Meeting I've revised the Election Law Update and just am awaiting bipartisan

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signoff so we can get it out of the building. But one of the interesting things about it is the Congress of the United States changed the Hedge Act and removed some of the bars for running for federal office, excuse me for state and local office. Kind of interesting.

Gregory Peterson: What is it?

Paul Collins: It used to be if your position were funded by any federal grant etc, Congress changed that and said it has to be wholly funded which is quite a significant, you can appreciate that Commissioner, the significance.

Gregory Peterson: Is that effective right now?

Paul Collins: It was effective I think January 31st or something like that. It was passed in the end of November and then the President signed it but yep.

Douglas Kellner: Well that's helpful and I think we are looking forward to getting the update out. I've heard several Commissioners asking for the new update so I'm glad you got that draft done and hope we'll get it signed off soon.

Alright great. Anna Svizzero, Election Operations

Anna Svizzero: Thank you Commissioners. We've been busy as well in Election Operations. We are responding to county Board phone calls concerning the NCUA processing that was completed by the IT unit here. We contract with vendors for licensees for the US Post Office to get address change information, and that's been shared with the county boards electronically. The counties often have questions on the list makings procedures. So we're responding to those. We provided certificates of vacancy to the City Board of Elections due to the resignations in the 53rd and 86th Assembly Districts. We have provided party calls to the counties. All of the parties say the Green Party have filed their party calls with us and the party call details the number of judicial delegates and alternates that are to be elected this year and how they're apportioned amongst those districts. And also any state committee positions that are part of those party calls.

Our list of Supreme Court vacancies which was shared with all the Boards in March as a part of our initial certification has been amended a few times since then due to resignations and other issues. And as OCA provides those changes to us, we amend our certification and

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share with the parties and with the County Boards that are involved in those districts.

We have for you, as an informational piece, our work on the end of life issues with Dominion. Those have been determined to be Diminimus by our lab and our procedure says that we simply share those with you so that corresponding report is in our packet here today.

We're hoping to wrap up our RFP lab selection process. Joe and I have to do an executive review. Joe has been out of the country, for those of you who don't know, we're happy to have him back and his very distinguished imported tie. He's been in China for several weeks. So if you are interested in any ground level stories, Joe would be happy to share them with you.

Gregory Peterson: ...any other ties other than those that came from China.

Kim Galvin: These are the Chinese knock offs

Gregory Peterson: Or the American knock offs.

Douglas Kellner: Made in USA

Anna Svizzero: So as soon as we get Joe grounded, we'll make sure that we've done our Executive review and we'll share that with OGS and hopefully wrap that lab selection process up.

We completed the upgrade certification testing for the ES&S Central Count System. There were some remaining issues there. Once the internal workings of that report are done, it will be back on the agenda for your vote, hopefully at the next meeting. Nobody's clamoring to purchase that system so it's not necessarily derailing anything at the moment, but the work is done and we're prepared to move on that whenever the Board is ready to.

Other than that, we in Election Operations, as well as others in the agency completed online Equal Employment Opportunity Training. There's a certification that comes from that and we filed those with the Administration Office so that they'll know that everybody's completed that required personnel training.

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Usual questions from the County Boards that we've been responding to. Bob Warren and his team are dealing with Boards who are building ballots for school board elections that we're going to be using our scanners. Also village elections etc. One of the Boards didn't have their hardware done so we actually built their school board election for them. So we were happy to help out in that way and the board was happy to get that assistance as well and we're always prepared to do that for whoever needs it.

The Central Count System, the Legacy System, Sequoia's Team Work System is what it's called, has been dusted off and it's been brought up to speed and the representative from Dominion who some of you may know who wrote a lot of that software and has been almost solely supporting that system is coming here next week to make sure that the system is operational and also to provide some training. The only person on our staff that has any familiarity with that system at all is John Ferri. Perhaps a testament to the system is that we don't get a lot of requests for assistance with that system. It seems to be functioning as intended and without incident. But Jim Alexander is going to come down and make sure that our team here is well versed in that system and be prepared for whatever next steps the Board decides to take with it.

I don't think I have anything else. Joe do you have any?

Douglas Kellner: Anna could you report on the status of the report on the EAC grant for reviewing audit procedures?

Anna Svizzero: John Ferri has taken a first stab at a draft for that. We're hoping to move forward on some additional development that we'd like that vendor to do. The pilot projects that we did with the system

Douglas Kellner: You're talking about the clear ballot system?

Anna Svizzero: Clear ballots excuse me, yes, automated audit process as it's proposed right now the County Boards where we piloted it made a number of comments relating to some better articulated reporting in the functionality of the system. So we're hoping that we do have grant money that's available that we could have Clear Ballot provide that additional reporting and then the mission of our grant which was to fully explore the options of automated auditing would be more thorough. As I said, John Ferri has taken the first stab at that draft. I'm reviewing it right now making it a little more generic and not so

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much Clear Ballot oriented. Reviewing the mission and the goals of the project etc. So I hope to have a draft to share in a couple of weeks on that front. The County Boards were very impressed with it, thought it would be an excellent addition especially the larger Boards where the audits are considerably larger, it would probably be helpful. One of the things that we found out in the research we were doing on how the existing Central Count Systems were working were that a number of Boards didn't realize that the 3% audit applied to their Central County Systems. So, we expect that to be remedied. The Boards have acknowledged that they missed that particular nuance in the regulation and they'll be resolving that moving forward. So there'll be more of an opportunity to consider the value of automating the process which again will make it part of our report.

The other report that stems from that grant concerns the Test Deck and that's a lot easier for us to put together. We've had a very robust Test Deck process. We've very pleased with the DVD that we had. We shared that, got a lot of positive feedback from the counties and others with whom it was shared. So that report too will be drafted. Clear Ballot one was the more, the larger report, the more difficult report. It's a lot newer territory for us so it's taking a little more time to come together.

Douglas Kellner: And I note that last month Florida adopted legislation providing for automated audits similar to the projects that they had been working on, the pilot projects that are parallel to what we have been doing. Do you anticipate that the staff report will be recommending legislation to change the manual audit requirement that's now in 9 2-11?

Anna Svizzero: Our preliminary conversations have led that way yes. We haven't come up with exact language or anything, we're going to have to talk about that.

Douglas Kellner: And what is the schedule now? When do you anticipate that you'll have a draft to the Commissioners?

Anna Svizzero: I had hoped to have a draft that I can share with you in a couple of weeks. Obviously the Board is not likely to meet by that time, but we can certainly share it and get some informal comments and keep working on it so that perhaps we can present it formally at your next meeting.

Douglas Kellner: Great

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Evelyn Aquila: That's very good.

Douglas Kellner: Alright. Anything else?

Evelyn Aquila: Florida had been in very big trouble that's...

Douglas Kellner: Well they beat us on this one. I'd hope we might have been first. But alright. So John... There's John. So John Conklin for Public Information.

John Conklin: Thank you Commissioner. Public information has been pretty busy since the last meeting. We did a lot of assistance on the testimony and compiling statistics for the group that testified in the State Senate. We answered a lot of follow up questions from the media on that testimony. We've been doing the other routine parts of our job and a lot of questions about the village elections this time of year and the school district elections. We're processing our FOIL requests and those more routine matters.

Greg and Patrick have continued their visits to the local Board on NYSVoter procedures and their going well. We posted the 2013 political calendar and the April 1st enrollments and I think those are pretty much the highlights for us.

Douglas Kellner: Anything else? Alright then we'll ask Bill McCann to do the report for Campaign Finance

Bill McCann: Thank you Commissioner. Liz is tending to some personal matters so I'll be presenting the report today. Just some information. Josie Jackson in our unit, who has been a long time employee has done a great job again in preparing our contribution limits which is a rather tedious process, its math. So she does a great job with that so we've sent that to the Public Information Office and those will be posted at the, I think they have been posted.

John Conklin: They will go up today.

Bill McCann: Just some numbers that we like to provide. Our active filers which is always an issue of interest is now over 12,600 nearing 12,700. That number increases throughout the year and I anticipate that it will continue to increase especially as education filters down locally. I think more local filers, as they become aware of their obligations are...

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Douglas Kellner: What was it 4 years ago Bill?

Bill McCann: I can't tell you 4 years ago but I can tell you when the program first came in it was about 1500

Douglas Kellner: So you went from 1500 to 12,000

Bill McCann: Yeah almost 13,000. So it's a rather large increase since 2006. Towards that end, we looked at facilitate filing, but we also have greatly ramped up our education program and right now our education training staff is literally on the road. We're doing 32 seminars this season including our CLEs and we just received a 3 year renewal on our accreditation for CLE which I know was of interest to Commissioner Kellner. And also Mary Ellen Walsh who is our chief trainer, she will be presenting at the ECA summer conference to the Boards. So that will be interesting as well.

Of note, our audit staff is working on the 2012 Corporate Over-Contribution Audit as well as the 2012 Election Cycle Audit for the legislature. We're also in the process of working with IT on software review and evaluation.

And also, one of the things we've been bringing up on regularity is our process server, RFP. We've been working on that. The contract expires in July. We had sent out our stuff to OGS in literally the beginning of January. We just heard back from them last week so the likelihood of having the RFP and a new contract in place by July is not going to happen but they've assure is that we will be able to find a way to have our vendor be able to provide the service in line with the July periodic.

So that's the general report.

Douglas Kellner: Bill I don't see Dave Loomis here. So I'm going to ask you if you could

Bob Brehm: No Dave's not here.

Douglas Kellner: Right okay. So if Bill you could report on what's been, what developments there have been with upgrading the Campaign Finance computer system?

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Bill McCann: Sure. I know that staff, the IT staff has been looking at alternative programs that some commercial vendors have to see if there is anything that they might look to incorporate into a program. they're working on the, in essence a redesign looking at the system and it's components now and I think they're almost set with a project scope of some type and then I think at that juncture, will come to the Board with either a proposal to either develop it in-house or seek alternative vendors. So, but Dave I have to tell you since Dave's arrival, he has really been a see change in the functionality of IT and they do a tremendous job. We always had a good working relationship with IT but Dave has really taken a very positive approach and a can-do attitude for all the stuff that we do. So he's doing a tremendous job in our estimation.

Douglas Kellner: So we there are 3 bullets in his report with respect to the upgrading of the system and I know that there have been some discussions also with the Executive Directors and the Governor's Office in terms of funding the project. And I wonder if either you or Todd or Bob could elaborate on what's going on with that and what the prospects are of getting the funding to upgrade the system.

Bill McCann: Yeah I did not participate. I know that they had the meeting and budget was here to get a better sense of what the project scope might be and what the cost might be. But I know Todd and Bob attended that so perhaps they can speak to it.

Bob Brehm: I think we're in a new world with the technology issues with the Administration. You know there was an annual technology plan that a lot of this information used to feed through in order to work towards funding and that's been replaced with consolidated units under the Information Technology Department. So we're still not 100% sure of the process because it's at the early stages. But part of the information sharing was to put this project on the list, identify the resources that we've identified that we need, that we can bring to the table and specifically Dave has done that working with us and the staff that we need two short term IT resources to complete the project. To help to do the actual business writing and about an analysis and management of the project in addition to work he is doing to have our own staff trained so they're ready to do the redesign. And then to put the building blocks together. So we've identified the additional resources to the Information Technology cluster. I know Dave has had specific meetings with the head of the cluster to at least explain the project.

Douglas Kellner: If you could just explain what that is cause that's...

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Bob Brehm: We are in the General Government Cluster for information technology as opposed to say Crime and Corrections or Healthcare. So we're lumped together which, for lack of a better term, everybody else.

Douglas Kellner: So this is a state government organizational issue?

Bob Brehm: Correct. So all of the information technology requests now go through their cluster. They're identified on a project list. The resources are requested and at some point that's supposed to feed into the resources to get the jobs done if they need additional resources beyond what the agency already has. This project clearly requires some additional resources that are 11 people in IT can do. And we've identified through the information, the General Government Information Technology Cluster what those needs are. In addition to that effort, Division of Budget came to visit and we had a meeting with them to kind of describe pretty much the same information and they walked away understanding that we need additional resources than what we have now and a better understanding of what our needs are.

So, I'm not sure who else we need to talk to but we've included it in our testimony when we went to the Senate, the two Senate hearings, and we share this information to anybody who asks us. It really is something that needs to be done to bring both the candidate management and the financial management system into something that better serves our need now and allows us a more transparent easier way for treasurers to approach the system and to file the information with us and our staff in order to get routine reports to do audits and review what's happening in an easier way.

Evelyn Aquila: Bob the Senators that listened to you did they seem open to the fact of more funds for the program?

Bob Brehm: They seemed to understand better our needs. Nobody has written us a check yet. So

Evelyn Aquila: Something you might have said "Well this is something..."

Douglas Kellner: This is the first time I think we feel we're getting serious attention from the Governor's Office.

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Bob Brehm: I think on a bipartisan basis when you talk to people they understand we are doing an awful lot with the resources we have. We are willing to do more if we had more resources and that our technology is old and it needs to be improved for a number of reasons. To help the treasurers know what to give us and to report it easier. To give our staff the ability to look and see is it correct so we can call you on the phone and say you're going to miss something here. It's very hard for all those things to happen.

Douglas Kellner: And to increase transparency and make it easier for the public to log on and find accurate information.

Bob Brehm: And to be honest there are a lot of people who do log on and to the extent there's a lot of different opinions as to what we are doing. It all stems from the information that a lot of people spend a lot of time to post to the website. All of those reports that whether they like us or not or think we're doing a good job or not. They all look at that information and it takes a lot of people, IT and Campaign Finance to make sure that they've answered all their questions and they get it posted in as clear a way as we can now before the fix happens. It takes a lot of time. If we had more resources, we could take it to the next step and do more.

Douglas Kellner: And as Bill said before, we had 1500 filers when the system was developed and now we're up to over 12,000.

Todd Valentine: The software is 20 years old and it's operating but the platform that it's operating under is coming to its end of life within the next few years so we have to address that situation. And we, that's been coming for a while but

Douglas Kellner: Well and to put this into context, we have provided side letters to the Governor's Office with the budget requests but we're not getting serious attention to that. And the budget is significant right? Because we're talking about 2 million dollars or more or less to do this?

Todd Valentine: Yeah I mean it's a rough estimate and that's the next step is

Douglas Kellner: and our whole budget is only 5 million a year. So

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Todd Valentine: We don't have the resources on hand to support this, no.

Evelyn Aquila: Almost 40% of our

Todd Valentine: Not without any additional help

Douglas Kellner: Alright well I appreciate that because I think people are interested in that and

Evelyn Aquila: Very much so, I think very much so.

Douglas Kellner: Alright so that concludes the Unit reports. Let's move onto the business agenda for old business. We have the Central Count Absentee Systems discussion.

Anna Svizzero: We have preliminary information from the questions that the Board outlined for us. We framed those questions, sent them onto the boards who are currently using that system. We got 9 responses, 7 of the 9 plan to acquire new recertified Central Count System.

Douglas Kellner: The 2 of the 9 who don't?

Anna Svizzero: Well I don't have an answer from New York City on that particular issue. They don't have any immediate plans to migrate. Albany county doesn't intend to migrate until the price is reduced, which is certainly their prerogative. All of the counties had very positive things to say about the system. We did have some issue with these Boards not immediately picking up on the 3% audit requirements for Central Count Systems as well but most of them responded that they will be complying with that requirement moving forward. We're also going to make sure that we add that to our acceptance test procedures when we go to the Boards and do acceptance testing of these new systems. Provide another copy of the regulation. We did that with the survey but we'll provide that...

Douglas Kellner: Anna do you want to summarize what the regulation requires?

Anna Svizzero: The Central Count Systems regulation requires that 3% of the election districts counted on that Central Count System have to have the 3% audit procedure

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implemented allowing for the escalation in any additional audit that the counties want to do.

Douglas Kellner: And that would provide us feedback then with for the Legacy Systems on how accurate they are in fact operating.

Anna Svizzero: I think it will provide more feedback. All of the counties that the report is in your packets obviously, but I do want to share with you, all of the counties follow our procedures concerning pre-election testing. And in the Central Count System world, the existing regulations that have not yet been repealed. There are separate regulations for Central Count Systems require that the pre-election test be done obviously before the ballots are counted, and it requires that once all the ballots are tallied and the reports are produced, that same test is run again so that confirms that not only was the system running properly before the count started, but nothing in the count, no ballots, timing marks, extraneous ballot marks or whatever disrupted the logic and accuracy of those systems and the Test Tech is run again to confirm that. And in all of these instances all of the counties involved speak very highly of the confidence in the system. No problems to report. Again, as I said earlier, we don't get service calls on these systems or support calls on these systems. So all of these Boards said that they had a high level of confidence in the accuracy of the system. They have not had challenges, candidate questions, etc. So they were very comfortable there. The migration stems mostly from the ability to build a single ballot style. Both of the systems use the existing EMS, both of the newly certified systems use existing EMS. The Legacy System requires that you build a whole separate ballot and a whole separate EMS system so that migration would certainly save the County Boards a lot of time and effort in that regard.

Douglas Kellner: But the staff conclusion at this point is that based on the evidence that you have that there's no compelling reason to require recertification of the Legacy System?

Anna Svizzero: I don't see any at this point. I would feel more comfortable saying that in a more declarative way after we meet with Sequoia next month and do some functional testing. But that is the leaning at this point with just the initial feedback from the county Boards. We didn't pose the additional questions as to how much time they would need to make that switch or we didn't want to burden that survey with those kinds of esoteric questions, we really just wanted to come up with enough information to make a recommendation to the Board concerning either grandfathering this system or requiring it

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to be certified and we'll do that at the next meeting. We'll have that recommendation for you.

Douglas Kellner: Okay. So the next item is the resolution to approve the amendment to the voter registration application. And I note that this, so the amendment is to include an optional e-mail address box on the application. And that's at the formal request of the New York City Board of Elections and several good government groups have been prompting them to make that request to us.

Jim Walsh: I move for approval.

Douglas Kellner: Alright those in favor say aye.

All: Aye

Douglas Kellner: Opposed? So that's adopted and the affidavit ballot application is amended to conform with that same extra box. Do I understand it correctly?

John Conklin: Yes

Douglas Kellner: That's the only change in the affidavit envelope.

John Conklin: Right

Douglas Kellner: Alright those in favor of oh okay that's all a part of the same resolution.

Bob Brehm: Well its two resolutions. The affidavit of the 13-05.

Douglas Kellner: Alright so those in favor of the affidavit ballot resolution say aye.

All: Aye

Douglas Kellner: Opposed? It's adopted.

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Alright we've received Anna's report on the Dominimus changes to the Dominion Image Scan Voting System and no action is required unless anyone wants to raise an issue? Nope alright.

The next item is the resolution for the expenditure of federal HAVA funds for computer services for our NYSVoter. That resolution has been distributed. What is the amount of money that we're authorizing?

Bob Brehm: 1307 it's a sum not to exceed \$85,000.

Douglas Kellner: Alright those in favor of the resolution say aye

All: Aye

Douglas Kellner: Opposed? It's adopted.

Then the resolution for the expenditure of federal HAVA funds for network storage for NYSVoter and how much is that?

Bob Brehm: \$50,000 is that number, a sum not to exceed \$50,000 but it should be lower than that but that's a cushioning case. We had one bid that was coming in. And we paid more than that so it's a lesser amount than we're currently paying.

Douglas Kellner: And the statute requires a specific vote of the Commissioners in order to expend the funds. Alright those in favor say aye

All: Aye

Douglas Kellner: Opposed? And then I wanted to discuss very briefly the New York City run-off procedures that Todd Valentine and Bob Brehm sent out their third memorandum today explicitly approving the procedures and options for using ballot scanning for the run-off and I just wanted to note that the Commissioners, that we've all reviewed that and we all agree

Evelyn Aquila: We agree

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Douglas Kellner: That with Executive Director's proposal. And I guess to confirm that when the two Executive Directors formally sign off that they do speak for the whole Board of Elections.

Evelyn Aquila: We don't vote on that?

Douglas Kellner: No we don't need to because our

Evelyn Aquila: ...you said court back in...

Douglas Kellner: Yeah we're confirming that the Commissioners have in fact reviewed the memorandum that the Executive Directors have sent out

Evelyn Aquila: That's proper

Douglas Kellner: And that our own procedures are that when the Executive Directors both sign off that they speak for the agency

Evelyn Aquila: Right

Gregory Peterson: Well put. Thank you

Douglas Kellner: Alright thank you Commissioner.

I don't believe that there's a need for an Executive Session. We have one complaint not requiring preliminary determination. If it doesn't require a preliminary determination is it an agenda item that needs a vote of the Commissioners?

Bill McCann: Well the procedure is if a when a complaint comes in if it's assigned a number and it goes into the Queue then it has to be dealt with by the Board. so that's why an CNRP is created.

Douglas Kellner: Alright even though it really isn't an issue okay. Alright. So those in favor of approving the recommendation of the staff say aye.

All: Aye

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Douglas Kellner: Opposed? Alright that's done.

We should discuss our next meeting date. Is there a proposal?

Todd Valentine: For July 29th that Monday?

Evelyn Aquila: What day of the week is that?

Todd Valentine: It's a Monday I think it's a Monday.

Evelyn Aquila: I think its July 31st.

Bob Brehm: Well we said all 3 of those days work.

Douglas Kellner: so we're tentatively on July 29th?

Bob Brehm: Okay. So Monday yep.

Douglas Kellner: Okay is there any further business to discuss?

Evelyn Aquila: No

Jim Walsh: Will we adjourn?

Douglas Kellner: Alright we stand adjourned. Thank you all.