

[BEGIN VIDEO]

DOUGLAS A. KELLNER: Good afternoon, I call this meeting to order.

My name is Douglas Kellner, Co-Chair.

JAMES A. WALSH: Jim Walsh.

GREGORY P. PETERSON: Gregory Peterson.

EVELYN AQUILA: Evelyn Aquila.

DOUGLAS A. KELLNER: Would the staff...

BOB BREHM: Bob Brehm.

CHERYL COUSER: Cheryl Couser.

ROBERT ECKLES: Bob Eckles.

GEORGE STANTON: George Stanton

JOHN CONKLIN: John Conklin.

TOM CONNOLLY: Tom Connolly.

PAT CAMPION: Pat Campion

ANNA SVIZZERO: Anna Svizzero.

JOSEPH BURNS: Joe Burns.

PAUL COLLINS: Paul Collins.

KIMBERLY GALVIN: Kim Galvin.

TODD D. VALENTINE: Todd Valentine.

ROBERT WARREN: Bob Warren.

DOUGLAS A. KELLNER: And I don't see any guests today, but for those of you who are watching we miss you. [LAUGHTER]

All right, the first order of business is the minutes of September 29th, 2011.

JAMES A. WALSH: Move to approve.

DOUGLAS A. KELLNER: Those in favor say aye.

(Chorus of ayes)

Opposed?

(Silence)

The minutes are approved.

We will now have the Unit Updates--Executive

Directors Bob Brehm and Todd Valentine.

TODD D. VALENTINE: You go first.

BOB BREHM: Well thank you.

I mean generally as I read the Unit Updates we're all involved in each of those and if we kind of give the summary then we kind of step on the toes of the people who follow us, so to some extent - - involved in all those activities.

You know, we're starting focus on putting the finishing touches on the presidential political calendar and it really is starting that effort while we're finishing this fall's election activity.

We still have not received the budget call that we spoke about briefly last time.

We have worked on what we can prepare based on what, you know, historically that they look for, but nobody's actually asked us to prepare anything yet.

So we can't really send it to them until we get the call to know if we have to make any fine tunes to that documentation, but we anticipate it shortly.

And, of course, the ongoing issues related to staff and the workforce reduction--we are eagerly awaiting, as everyone, the next vote that will be completed I think on November 3rd to know whether or not our agency will be impacted or not.

TODD D. VALENTINE: And the only other thing is we--you may have seen in the paper, I don't know, there was an announcement about the—they call it the restacking issue, state agencies moving to state space. They haven't gotten back to us on that on anything, so our holdover lease has been approved and that's good through the spring. That always can be changed at a moment's notice, but when we continue to reiterate - - our needs for not moving at certain times and what our needs are when we do move, we need this. But I don't know that anybody's even moved or heard any more noise other than the press release, so we're just in kind of a holding pattern right now--at least until spring, at least through winter.

I don't even know if we'll make it through the spring, but the spring will be a problem for us due to the Presidential Primary.

BOB BREHM: I think any time next year will be a problem for us.

TODD D. VALENTINE: Yes, I agree with that.

DOUGLAS A. KELLNER: All right, well thank you.

We'll go to Kim Galvin for the Legal Report.

KIMBERLY GALVIN: Thank you, Commissioner.

We really don't have much--well I don't have much to add to the written report except to say we have spent a lot of time as you can imagine with the moving of the Primary litigation and the other litigations that are ongoing for the Board.

Answering questions from the county boards and getting ready for the fall election and next year's presidential and all the various moving parts that we have.

We also worked with Public Information interestingly enough on some FOIL issues that, you know, was uncommon for the Unit to necessarily be directly be involved in.

But other than that it's just set forth in the written report and I know that we'll be talking about some matters in Executive Session.

One thing is to say that Brian Heffernan, who we've known for a long time, has left the

Department of Justice so we'll be getting a new person assigned to the database issue at some point.

Whoever you are I'm saying hello and--

[LAUGHTER]

JAMES WALSH: And good luck

KIMBERLY GALVIN: Paul, do you have anything-- yeah and good luck--Paul do you have anything?

PAUL COLLINS: It's all in the written report quite honestly, I don't want to bore the Board with something that's already been provided.

DOUGLAS A. KELLNER: All right, thank you.

So we'll turn to Election Operations and Ms. Svizzero.

ANNA SVIZZERO: Thank you, Commissioner.

We don't have anything to add, again outside of our written report.

I can update you that we're meeting Monday to discuss the outstanding findings for ES&S; we're working with NYSTEC through that. And now we've been sending a lot of emails and comments that way, but we're meeting face-to-face on Monday to try and wrap up some of those

original findings and work towards the new ones that are resulting from the certification effort.

And once we wrap that up we'll be working through Dominion, their package, as explained in the written report.

I don't have anything else to add.

We have one item for you on the agenda for a vote and one item to raise with you in Executive Session that's a contractual issue.

DOUGLAS A. KELLNER: All right, Anna your written report does include an update on certification issues; you want to just summarize that so people know what's going on who don't have the written report?

ANNA SVIZZERO: I can get Bob to do that, he's more familiar with it, if you don't mind--Bob Warren who is our Certification Manager.

ROBERT WARREN: On the ES&S side we have completed the source code review.

SLI completed their review of that; they have a listing of open issues from this new effort that has been sent to ES&S during the process.

They're responding to those and they'll be getting those back to us hopefully by the end of this week.

We have completed or 99 percent completed our functional testing and I'm glad to say we have found no issues with the functional testing, so we'll start to wrap that up and start to prepare a report on that.

I can't say whether we'll have this in front of the Board for the December meeting or not; it'll depend on what the open issues turn out to be. If they can be resolved and closed out then we probably would have something for the Board.

On the Dominion side we received their bills SLI has started the source code review.

They're probably 40 percent done or so with the source code review, will begin the functional testing just after the election.

Dominion's going to have somebody on-site to get us set up and be here to answer questions for us.

DOUGLAS A. KELLNER: All right good, thank you.

And then there's one other item on your report that I think is worth mentioning, which is the electronic poll book demonstrations.

Do you want to just comment on that Anna, or summarize what's happening?

ANNA SVIZZERO: Sure, we have had some interest in the use of electronic poll books.

We're looking at statute and the regulations to determine what these vendors are offering and make sure that compliance is intact.

But in the meantime Orange County had asked to conduct a pilot project, so they're actually doing that at this General Election.

We did develop a survey document that the Commissioners who are entertaining a pilot might use to evaluate the product, not only from the vendor demonstration, but also how their inspectors use it.

So we provided that instrument to them and we asked that they send us a copy when it's completed.

We haven't determined if we're going to go down; in Orange County's case it's a day trip for us, so we could send someone down to visit that poll site and see how the public is accepting it.

Their fail safe in Orange County is to have voters sign both the electronic poll book and

the traditional poll book, so that they have backup in the event that something should go amiss.

We have seen demonstrations from three vendors who offer electronic poll books.

We haven't really come up with any conclusions on our own other than personal sentiment.

They were very brief demonstrations, so there's more to be learned by being on-site.

In the Orange County case we could certainly accommodate that on Election Day.

It's not an answer for every Board; I'm not even sure what issues it answers for any Board.

Collection of voter history is very easy, but clearly the equipment is expensive.

There needs to be some thought given to how to store it.

Right now we store paper poll books for two years thanks to Paul moving our regulation change forward.

You have to store--we have 400 poll sites--you've got 400 laptop computers and all sorts of electronic equipment and you need different storage space and other concerns.

So it's a solution for some of the larger boards, Erie is looking at it as I said.

New York City had made an inquiry at one of the conferences, but we have not heard any more from New York City.

So it's clearly a larger board solution for the voter history and expediting voters in the poll site.

It will help the Board direct polls to the correct poll site if the voter's in the wrong poll place, but beyond that I think the money, storage and maintenance issues need to be seriously considered by a board before they make a determination that this is really a solution for them. It's interesting.

DOUGLAS A. KELLNER: All right, well thank you Anna.

ANNA SVIZZERO: Thank you.

DOUGLAS A. KELLNER: We'll go to Public Information, John Conklin.

ANNA SVIZZERO: -- I'm sorry, Joe did you have anything?

DOUGLAS A. KELLNER: Joe, did you want to say anything?

JOSEPH BURNS: Not on this, but just to add on ballot design--we're collecting ballots from counties.

And Phil Jorczak is putting that together from our unit and it's something we'll be taking a look at in the weeks ahead.

DOUGLAS A. KELLNER: Thank you, Joe.

All right, so Public Information, John Conklin.

JOHN CONKLIN: Thank you, Commissioner--I have very little to add to the written report.

Greg Fiozzo and Patrick Campion completed their recent visit to Genesee and Wyoming counties to discuss and review NYSVoter procedures. It went well; they now have Niagara and Orleans scheduled for November 17th and 18th, so Upstate will be completed at that time.

We will only have Nassau, Suffolk and New York City remaining and Nassau and Suffolk we're hoping to do in December.

One other thing--Greg and Patrick are going to be contacting the counties just to do sort of a year-end restatement of what their voucher and grant situations are.

Letting them know how much money they've used to date, how much is left, if they have any contract issues or questions along those lines--so we're going to be doing that as sort of a year end project.

So that's all I have--Tom, do you have anything?

TOM CONNOLLY: -Should we talk about this?

JOHN CONKLIN: We can--the Governor issued an Executive Order adding some additional language requirements for state agencies.

We're not completely clear what the ramifications for us are although the State Board was definitely one of the agencies named in the Executive Order.

The Governor's requiring that a minimum of seven languages be included for all agency forms.

We don't know yet what the consequences would be for the county boards; that's one of the things we're hoping to learn.

They've scheduled a meeting for all language access coordinators for the various state agencies with the Deputy Secretary of the Governor who's coordinating this project.

So it looks like Tom and I will be attending that function.

DOUGLAS A. KELLNER: All right, thank you.

We'll go to Campaign Finance--Cheryl Couser and Robert Eckles.

CHERYL COUSER: Liz and Bill are in New York City today attending a New York City Campaign finance board hearing on independent expenditures.

An overview of what we have been working on is in the Unit Report; for example we continue to work and meet on the independent expenditure regulation in which we were charged with issuing pursuant to Chapter 399 of the laws of 2011.

And we will address this further at the next Board meeting.

Our Audit Unit is wrapping up the following audits--the 2010 Corporate Audit, the 2010 Legislative Audit and the 2010 Statewide Audit.

Our Education Outreach and Training Unit is drafting an application to the New York State CLE Board to have a seminar presentation accredited for CLE credits.

And our Campaign Finance Unit--

DOUGLAS A. KELLNER: Yay! [LAUGHTER]

[VOICES OVERLAP]

It took five years, but great.

BOB BREHM: Would that go for ethics also?

CHERYL COUSER: Yes, one hour

EVELYN J. ACQUILA: You know, the beast changed a lot. It was a lying beast.

CHERYL COUSER: And the Campaign Finance Unit continues to field many calls as it's a local election season, thank you.

DOUGLAS A. KELLNER: Thank you, and Robert anything you want to add?

ROBERT ECKLES: No, thank you.

DOUGLAS A. KELLNER: All right, thank you.

All right so Information Technology, George Stanton.

GEORGE STANTON: I don't have a lot to say today, which I'm sure you'll be glad of.

Our staffs mostly have been working, of course, on the general filings for the campaign filing for the General Elections currently doing the 11-day pre's and getting all of them in.

We are ready to do the changes to the NYSVoter web services, so that counties can provide us

with the proper new parties. We're waiting to hear from all of the stakeholders, the vendors that they're actually ready to make the changes in their software, because we have to coordinate changing ours and then they have to change theirs and start sending us new data.

Otherwise it won't work, so I'm waiting to hear back from everybody that they're ready.

I know some of them are, but I'm not sure they all are.

We're also working on finalizing the requirements for the MOVE Act for both the Scytl piece and the county piece between NYSVoter and the counties and correspondingly between NYSVoter and Scytl.

We're getting ready to do the email cutover from our own in-house email to the New York State email system.

I believe that's scheduled now for December 9th; it should be fun.

We did have another conversation--a follow-up phone call with New York City on their file maintenance and they are working on their file maintenance for duplicates, deceased and felons on a manual basis using the procedures that they outlined for us.

We've been sending them a new file on each of those every month and it does look like they are making progress on them.

We also told them we would have a draft of the--not a detailed draft, but an overall draft of the web services we're going to use as the final communications link between New York City and NYSVoter so that they can do their own bipartisan process using their Avid quality assurance software. They'll sign off and send us the data on that and we should have that done by the end of November and then get some feedback from them on how long it's going to take to develop it.

Since this probably my next-to-the-last Board meeting I would like to take the opportunity to publicly, you know, recognize my own staff. Downstairs we have about--or your staff--you have about six programmers down there and only two help desk people that take care of over 100 pieces of equipment, keep them up-to-date and running and patched and serviced as well as supporting not only the 60-some users here in the agency, but thousands of end-users that file campaign finance reports.

And in my opinion they all do an excellent job down there.

The one thing I am kind of proud that I did was choose good people, so it's not any of my doing--they do a good job down there.

So I'd just like to publicly thank them.

DOUGLAS A. KELLNER: I think we all join in that.

[MURMURED AGREEMENT]

All right, so is that it George?

GEORGE STANTON: That's it.

DOUGLAS A. KELLNER: All right, so we then move to Old Business and we have none on the agenda.

EVELYN J. AQUILA: Could I mention, I think this is New Business.

DOUGLAS A. KELLNER: It's Item 4B; we'll get there.

EVELYN J. AQUILA: -- Oh okay, I didn't see it. I was looking at - -

DOUGLAS A. KELLNER: Well get there and we'll let you do that.

EVELYN J. AQUILA: I didn't think - - not going to do it all - -

DOUGLAS A. KELLNER: All right, so next was the resolution formally approving the Shoebox Program as prepared by the Election Operations Unit with the detail attached to the resolution.

Anna, is there anything that we would want to summarize for the county commissioners now with respect to this resolution or have they already gotten enough information that they'll be familiar with it?

ANNA SVIZZERO: Well, we've been talking about it for a long time, but the details of it we've only just completed working for OGS with those.

As a matter of fact, the last document we sent back to them was red-lined and we're waiting to hear back for any final changes to it.

I think the biggest change for the county boards is going to be that once this program is launched they won't be able to process purchase orders through OGS directly from the vendor contract.

They'll have to do everything with local dollars and get reimbursed through this program similar to the Privacy Booth Program that we have in place and the grant programs that are run for poll site access and voter education.

So that'll be their biggest change, but the equipment has been purchased, they'll have the opportunity--once we send in this package—up through January 15th to make those purchases if they decide they need additional scanners etcetera.

So that deadline won't be a complete surprise to them.

Those boards that have no HAVA dollars left, they may have items that they purchased with county money thinking they'd get reimbursed but if they've exhausted their HAVA funds then that won't be happening in their particular case.

So we can't give you a contract value; I don't have the latest OGS ballot sheets from the dollars that are available through the Voting Machine Program, but it's multi-million dollars for these counties to still access.

DOUGLAS A. KELLNER: So the bottom line is that we've been talking about this program for three or four years now and—

ANNA SVIZZERO: Now that we're actually in HAVA compliance and we're working with the EAC on the waiver for the items that cost over \$5,000 and that kind of thing.

So I think the counties will be pleased that we can finally launch it.

DOUGLAS A. KELLNER: So upon adoption of this resolution we'll have the formal procedures in place for the counties to seek reimbursement for their operational expenses that are covered by the Help America Voting Act funds.

BOB BREHM: Pending the only step we yet have is once we approve, that it goes to the Comptroller for final approval, but - -.

BOB BREHM: So if there are any changes we'll have to bring them back to you, but we're not expecting any.

TODD D. VALENTINE: -- We're not expecting any.

BOB BREHN: Since the approved--it's modeled on the other programs that they've already approved.

DOUGLAS A. KELLNER: All right, is there any other discussion on the resolution?

Those in favor say aye.

(Chorus of ayes)

Opposed?

(Silence)

All right, the resolution is adopted all right.

EVELYN J. AQUILA: Thank you.

DOUGLAS A. KELLNER: So Commissioner Aquila we now turn to the resolution thanking our employees.

EVELYN J. AQUILA: -- I thought it was New Business, so forgive me. [LAUGHTER]

We have a resolution here for today that I believe all members of the Board will feel open to voting in favor of.

During the hurricane we had people on this Board who really--almost all of the Board members really worked above and beyond the call of duty.

And we publicly want to thank them; it's a long resolution, I'm only going to read three short parts of it.

That seems to make more sense.

The resolution commending the staff of the New York State Board of Elections and it says:

“In August and September of 2011 the convergence of Hurricane Irene and Tropical Storm Lee produced historic flooding in various parts of Northeastern United States and particularly in the counties of Broome, Tioga, Delaware, Schenectady, Greene, Schoharie”-- forgive me, I’m not an up-stater.

DOUGLAS A. KELLNER: Schoharie.

EVELYN J. AQUILA: Did I say that right--“and Montgomery in New York.”

“The local Board of Elections did such an excellent job in exerting their responsibilities it’s reflected well on the State Board and indeed the whole State of New York.”

And what they did is they saw to it that places that were flooded, people that were able to get out of those spots so they could go and vote and got the voting polls moved to places that were dry where you could vote.

And got buses, got all sorts of equipment in there and helped these people.

“And be it resolved that the Commissioners of the New York State Board of Elections commends the staff of the New York State Board of Elections for their diligence and dedication in assisting the various local boards of elections in conducting and completing the election on

Primary Day September 13th, 2011 in the face of significant obstacles ensuring the commission of all boards of election to the State were performed with confidence and professionalism.”

And they got school buses to take people to the polls, handicap buses, and they were able to get transporters--or what do you call them that fits on the--

BOB BREHM: Transformers.

EVELYN J. AQUILA: --transformers that were able to turn on the power in places that had no power.

And we're very thankful to so many of you here: Bob and Todd especially and Anna who really worked very, very hard but so did most of the staff.

So after this is past and I hope it will be past I will call for--or do you call for it to be voted on?

DOUGLAS A. KELLNER: You can call for it.

[LAUGHTER\

EVELYN J. AQUILA: All those in favor--I didn't know, you're the Chairperson.

DOUGLAS A. KELLNER: Let's just ask if there are any other commissioners who want to comment on it?

EVELYN J. AQUILA: Are there any other commissioners who want to speak to this?

JAMES A. WALSH: I think you've said it all, Commissioner.

Don't let that power go to your head.

[LAUGHTER]

ANNA SVIZZERO: Immediately look for where she sits at the next meeting.

DOUGLAS A. KELLNER: All those in favor say aye.

(Chorus of ayes)

Opposed?

(Silence)

The resolution is adopted, thank you Commissioner Aquila.

EVELYN J. AQUILA: Only one last sentence—I would like Bob and Todd to see that everybody who was involved receives this to be put into their file, thank you.

BOB BREHM: -- Yes, --

DOUGLAS A. KELLNER: All right, we added one new item to New Business, which is a report on MOVE Act data issues.

Tom Connolly, you want to tell us what you've been up to on that?

TOM CONNOLLY: Well, I mean there's a number of reports that have come out over the past few months regarding MOVE Act data.

They've all been very interesting reads for different reasons.

I think what we've taken out of it is that there are a number of different areas where we should be focusing our efforts.

There's the area of data collection--you know, we've gone through a number of exercises in getting data from the county boards for the Department of Justice.

It's been an enlightening experience. I think part of it is in understanding how we ask the question; part of it is in understanding how the boards themselves understand the reason for the questions and also understanding how the data--what it's actually reflecting.

I mean, some of the information that we've recently compiled for the Department of Justice has shown that for the 2010 General Election there was concern about ballots that had been sent out after certain deadlines and also being received after receipt deadlines and not being counted.

Surprisingly, I think to a lot of people that got too whittled down to the universe of a single ballot in the entire state.

And I think that as I said we're going to be focusing our efforts on--

DOUGLAS A. KELLNER: Can you just explain that?

TOM CONNOLLY: Sure, the Department of Justice had asked us to go back to the counties and find out how many applications we had on file by certain time frames, how many ballots went out by certain time frames, how many ballots went out after certain time frames.

They wanted to know how many ballots were then also received after the deadline that we had, which was November 24th.

And I think they were looking mainly for ballots that came back after the deadline that weren't counted, because they were received after the deadline that may have been sent out by a county that had admittedly sent out some ballots after they were supposed to.

And in case that any voters may have received their ballots after a certain time frame and didn't really have enough time to get it back.

There was only a single ballot that was sent out after the October 10th deadline that was given to us by the Department of Justice and received after the 11/24 deadline that was not counted solely, because it was received after 11/24.

DOUGLAS A. KELLNER: So one vote?

TOM CONNOLLY: One vote, I mean it came down to--

DOUGLAS A. KELLNER: One ballot that was not counted that was received after the deadline for counting the ballots that should have been mailed out before October 10th?

TOM CONNOLLY: Right.

DOUGLAS A. KELLNER: And how many military ballots were there in New York State altogether?

TODD D. VALENTINE: How many were sent out?

BOB BREHM: I think the total is how many

TOM CONNOLLY: That's total, the breakdown was--I think--21 or 22,000 military ballots; total MOVE Act ballots were roughly 55,000.

EVELYN J. AQUILA: That's not bad.

DOUGLAS A. KELLNER: And we're talking about one.

EVELYN J. AQUILA: I know, I know.

DOUGLAS A. KELLNER: All right, now there were other reasons in your report; if you could just summarize some of the other points in your report and comment on the recent reports that FVAP and the EAC have prepared on this subject.

TOM CONNOLLY: Well, the recent FVAP Report did provide, in my opinion, a lot of good information as far as topics or areas to kind of delve into for ourselves.

You know, as I said I think some of the data collection issues they raised themselves about not knowing what the overseas voters—because it's really hard to get a finite number on them and statistics.

There's also identification of some issues that I think that revolve around the EAC data, but also the FVAP data and the way we collect data internally as far as not--military spouses and

where they may be voting.

For example, the FVAP Report specifies how the EAC data doesn't count as say a military voter or a voter underneath this umbrella, a military spouse that votes in person at the polls on Election Day.

In New York we don't currently--you know, if they're voting at the polls they're voting at the polls, they're not following underneath this statistical umbrella.

We are moving ahead with certain things internally as George mentioned for the MOVE Act compliance that's going to hopefully standardize a lot of the information that we're getting from the county boards and the way that the county boards are keeping that information.

So it's a lot easier for us to kind of understand and the boards themselves to understand how they're doing and to kind of really just execute their duties in relation to this law more effectively.

We do have the issue also as they raise themselves in the FVAP Report of having to work on their own outreach to the military and the overseas voter to help tear down some of the obstacles that are currently there.

You know, they do know that the military population is a very mobile population, so there is often a lot of changes in the addresses.

That the way we currently have the application requests in New York State where it's good for two federal elections there is more than likely going to be an address change somewhere in that period of time.

And it's a matter of not only just reaching out to the voters to make sure that they know that it's them that the responsibility lies with as far as changing the information on their application, but also at the same time providing them with a number of tools and opportunities to do that--to make it a little bit of an easier process for them.

You know, I think the FVAP Report also provided a good amount of information demographically, but I don't want to say psychologically although they do ask certain questions I think to gauge some of the moods or some of the feelings that some of the different voters have.

And I think that some of that information is certainly going to be very important to distill down and to give to county board, because I think that this voting population is obviously somewhat removed from the county boards on a day-to-day basis.

So that it's important for them to understand, you know, how they might be different from the person who's showing up at the polls on Election Day.

DOUGLAS A. KELLNER: Did your report review some of the most common reasons why ballots were not counted?

TOM CONNOLLY: -- One of the larger issues that was raised was, I mentioned before, about the addressing. They had stated various polls both from 2008 and 2010 in the FVAP Report; the percentages of ballots that were not deliverable as addressed--you know, a reminder that they're being addressed based on the address, the information that's given on the application from the voter.

The military postal service did deliver a good percentage of those that were initially not able to be addressed by readdressing them.

And then the smaller percentage then came back as returned undeliverable.

They state in the FVAP Report that they are floating a number of different ideas as to how to be able to help identify that information that may have changed.

I don't want to say the bad data, but the data that may have changed, addresses that may have changed.

But it's a matter of taking some of that information and recognizing what sort of resources we can tap to use, but for example like I said before in New York State's case the change has to come from the voter.

So it's not so much as that the FVAP is going to fix our addressing problem, but they can help us address it in whichever way they can.

DOUGLAS A. KELLNER: What about the postmark issue?

TOM CONNOLLY: As a no postmark or a late postmark?

The data right now--in the EAC Report I believe we had no data on the no postmark; there was some report information on some of the follow-ups - - counties about some ballots not containing postmarks.

Those were, I believe, isolated to special federal voters, which were given as the reasons why they were rejected.

I know that they discuss--I have to go back, I don't want to speak incorrectly, but I know

that they have methods for expedited mail for the military which may not come with the standard postmark, but it's still supposed to be dated in some way, shape or form to be used as a postmark when received by the local boards.

I think that as we've heard in past conferences and as they usually discuss in these reports, the mail is an issue simply because of logistical reasons.

But that, you know, postmarking-wise a lot of that as far as when we receive it is based on what they're doing and then obviously I think FVAP is not believing that there's no room for improvement on their end as well.

I mean, I think they try to identify various aspects throughout the entire process both on their end, their voting assistance officers who interact directly with the voters, their LEOs or the Local Election Officials--in this case our local boards.

They identify all different aspects where there can be, you know, additional communication or additional steps taken to provide the voters with a better experience or the higher likelihood of a successful enfranchisement of a voter.

For the example of the local boards, they would like to see some additional communication between the board and the voter.

The voters state that they usually don't know the status of their application until they actually receive a ballot and that's the first time they know that their application has actually been successfully processed and received.

So they quoted that as one of the main reasons that they received from the voters as to something they'd like to see improved.

So I think that once it all kind of gets distilled down and provided to the county boards, again as I said it helps both populations--it helps the county boards to kind of do their jobs better for this population and it helps this population feel that they're being represented.

DOUGLAS A. KELLNER: All right, thank you.

Does anybody have anything to add?

EVELYN J. AQUILA: I was just wondering since I don't know how they really do this postmark issue; wouldn't it be worth it if it is received in reasonable time to be decided in favor of the voter?

We're not looking to eliminate voters; we're looking to include them.

TOM CONNOLLY: Well, I believe the military envelope has the - - statement that they can fill out stating that this was voted.

You know, "I'm completing my ballot and it's the date that I'm sending it in," which within you could say that.

I don't know what the statute specifies as far as if that was--would that be considered good enough?

BOB BREHM: Mm-hmm.

TOM CONNOLLY: Okay.

BOB BREHM: For military voters.

EVELYN J. AQUILA: Yes.

BOB BREHM: And I think it's - - the largest category.

I thought the FVAP Report was very interesting, because it asks a lot of questions where we can compare the normal criticism that not as many ballots were counted in 2010.

But they actually in the FVAP Report did follow-up surveys of both military and the spouses' military as to whether they would have been interested in voting and what their interest

was between '08 and '10--a presidential year and an off year.

And there was a significant drop in population in their survey responses from people saying,

“I just wasn't interested in 2010.” And that number, when you--and they try and

interpret it, because the military families are disproportionately younger and male as compared

to the general population, so they did a comparison.

And in general there's a drop-off from a presidential year to a non-presidential year.

EVELYN J. AQUILA: Right, absolutely.

BOB BREHM: And they were surprised by the number of drop-offs that they had.

So, you know, it's helpful information when people are somewhat critical of not everybody

voted.

The other thing that I was extremely interested in is this concept--and we had a lot of bases,

particularly Fort Drum--a lot of people who are military are at Fort Drum and might be

registered depending on how big that facility is in St. Lawrence or Jefferson County or their

family members that are in this number that people say, “There's X number of military

voters and it's hard for us to know where they all are.”

Well, they fill out a regular application to registered to vote, so we don't know to label them as military or note them as military and they vote on Election Day at the polling site like everyone else.

So there's some concern about whether or not we should know that they're military or not, so it's in that number where they say, "We have missed them, yet we're not sure we've missed them because they might be voting locally."

And they at least addressed part of that in the FVAP study.

The other that is the large group that is on that is these dated issues--you know, we have an application, the Board of Election transmits the ballot to the address in the application, and the military mail reports that a significant number need to be rechanneled to a more up-to-date address that they know but nobody has ever given that information to the county boards of election.

And I'm not quite sure that the military can give it to us and we can accept it without the voter acknowledging it, but that is a large number of the ballots that might be--the military might be giving it to the voter and the voter gets the ballot.

But if the message doesn't go with it that the voter needs to at least update then the next

communication and the next communication are still going to follow this channel and they haven't found a way to improve it.

And the last I think, is the postage and we have to look at special federal postage through foreign postal marks is always a problem, but I'm not quite sure what we can do to help other than get them out as early as we can.

On the military side it certainly shows that we need to have a few more categories of things that we track in the post-election and what was the reason for not for counting, if it was because of the postmark.

You know, if it's a military person and there was no military statement from a witness that it was sent out timely then they're relying on the military mail post; they're supposed to have a postmark on there.

And if they're not I think it's important data to make sure we're collecting, because UOCAVA requires the federal government to provide that information so the counties can count the ballots.

So I think it's an important--it gives us a good key of some of the additions that we might want to add to our post-survey.

That we can at least capture the data, so that we can respond to it and improve our performance either by working with the federal government to make sure that they are providing the postmarks that they're supposed to be providing if it's a military mail through the U.S. Postal and the military mail postage system.

That's their responsibility, so it gives us a couple of key areas to focus on and I thought was a very helpful report.

I think the EAC Report is more just the static data that came from the states, but the FVAP Report added to that information surveys of the actual, you know, either military voters or family members to try and get some of the background information.

Which I think that is helpful if we're going to improve our performance.

DOUGLAS A. KELLNER: Great, thank you very much.

So that concludes our--oh, we have one item, the Preliminary Determinations.

If we could vote on that publicly unless somebody wants to discuss it?

(Silence)

JAMES A. WALSH: I move the recommendation.

GREGORY P. PETERSON: Second.

DOUGLAS A. KELLNER: All right, those in favor of adopting the recommendation?

(Chorus of ayes)

Opposed?

(Silent)

All right, so we've adopted a preliminary determination - -

EVELYN J. AQUILA: -- Can I make one more remark that I wanted to make about the resolution, but didn't at that time?

DOUGLAS A. KELLNER: -- Certainly.

EVELYN J. AQUILA: While this is not in the resolution I would just like to say that we would like--at least I would and I'm sure the rest of us would--thank Jeremy Creelan from the Governor's Office who really supplied through Governor Cuomo the generators and the buses for us.

And he worked very hard at that and I was on the phone with him and I think I saw how hard he worked to get that done for us and I would just like to say thank you.

And if I could call on us all to vote and make that an official thanks to Jeremy--or should we just leave it this way?

SPEAKER: That's official enough I think.

DOUGLAS A. KELLNER: Yeah, by consensus we all agree.

EVELYN J. AQUILA: Okay, thank you.

I'd like you to send that over to Jeremy so he knows.

BOB BREHM: -- I will do that.

DOUGLAS A. KELLNER: All right, we've discussed setting--

EVELYN J. AQUILA: -- Next time I ask him for something he'll be more open --.

DOUGLAS A. KELLNER: We've discussed setting December 15th as our next meeting date.

EVELYN J. AQUILA: Is that a Tuesday or Thursday?

(Chorus of Thursday)

Thursday, thank you.

DOUGLAS A. KELLNER: Thursday and that coincides with the certification of the results of

the General Election.

EVELYN J. AQUILA: Right.

DOUGLAS A. KELLNER: And we have a motion to go into Executive Session to discuss a litigation matter and a contract matter.

JAMES A. WALSH: So moved.

EVELYN J. AQUILA: -- So moved.

DOUGLAS A. KELLNER: And I would expect that we may have to come back to publicly vote on the contract matter, but I don't think it's going to be of any interest.

BOB BREHM: I don't think so.

DOUGLAS A. KELLNER: No?

BOB BREHM: I think the way you approved it originally probably not.

DOUGLAS A. KELLNER: All right, so we will shut off the tape then and--

BOB BREHM: - - - -

DOUGLAS A. KELLNER: All right, so those in favor of going into Executive Session say aye.

(Chorus of ayes)

All right, so we're recessed for Executive Session and thank you all who have participated.

[BREAK FOR EXECUTIVE SESSION]

[END VIDEO]