

**New York State Board of Elections
Annual Report
2002**

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To: The Honorable George E. Pataki, Governor
and Members of the New York State Legislature

We are pleased to submit to you the New York State Board of Elections' 2002 Annual Report. This report provides a comprehensive review of board programs and accomplishments during the calendar year 2002.

During 2002, the Help America Vote Act was signed into law. The law mandates several changes in the way elections are run and provides federal funds to implement those changes. Preliminary planning on New York State's implementation plan had begun by the end of the year.

We look forward to the unique challenges that lie ahead as the Board implements the first major changes in election administration in the 21st century. We are confident that the New York State Board of Elections can meet these challenges and continue to serve as a national leader in the field of election administration.

Respectfully submitted,

Carol Berman
Chair

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Joseph D'Antoni, *Senior Election Law Enforcement Investigator*
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Patricia L. Tracey, *Associate Personnel Administrator*
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COUNSEL'S OFFICE

Legal Opinions

The Office of the Special Counsel is responsible for preparing responses to requests for formal opinions from the board. These formal opinions serve to further clarify certain sections of the Election Law. The Board issued no formal opinions in 2001.

Copies of individual opinions, or a complete set of opinions, may be obtained by visiting the Board's website or by contacting the Office of the Special Counsel by telephone at 518-474-6367.

Legislative Proposals

Counsel's office, in consultation with the executive staff, is responsible for drafting legislative proposals for consideration by the legislature.

The Board submitted 3 proposals in 2002. The following is a brief summary of the proposals:

Proposal Number	Summary
SBE 02-1	<i>Witness Residency Changes</i> : The Election Law should be amended to delete those provisions which require that the witness to a petition reside in the political subdivision where the petition is being circulated.
SBE 02-2	<i>Filing of Papers by Express Courier</i> : A new subdivision should be added to the Election Law to recognize delivery services other than the United States Postal Service for the filing of papers.
SBE 02-3	<i>Extension of Military Voting</i> : The Election Law should be amended to provide that county boards of election automatically forward lists of military voters to school districts for use in their elections.

Election Law Inquiries

General questions on election law, excluding enforcement matters, are handled by the Office of Special Counsel. Local boards of elections, town clerks, elected officials, candidates, political committees, and involved citizens all rely on the expertise of the board's attorneys in interpreting the law. In 2002, the Office of Special Counsel received and responded to approximately 1250 inquiries regarding administration and interpretation of the Election Law.

Litigation

The Office of Special Counsel represented the Board in 65 new court actions in 2002 in both State and Federal Courts. While most cases involved access to ballot challenges there were also proceedings challenging the constitutionality of the time frame to change a voters political party enrollment; the single residency for voting purposes requirement; and the requirement to have write-in voting in a primary election.

The following is a brief summary of the important cases in 2002:

LITIGATION SUMMARY
<p><i>United States of America v. State of New York, et al .</i> <i>ACORN v. Pataki, et.al.</i></p> <p>The National Voter Registration Act requires states to provide opportunities for individuals to complete voter registration forms when applying for services at several state agencies. These two court cases brought in 1995, seek to challenge the manner in which New York State has implemented the federal legislation. Settlements have been reached in all but three agencies. Cross summary judgement motions were filed by the United States and the New York Attorney General regarding the requirement of the State Office for the Aging and the Office of Temporary and Disability Assistance (formerly known as the Department of Social Services) to oversee registration opportunities at local sites which provide services for the agencies pursuant to a contractual relationship. A decision is expected in spring 2003.</p>
<p><i>Gelb v. NYSBOE and NYCBOE</i></p> <p>Plaintiff challenged the inability to vote by write-in during the primary for U.S. Senate in New York City. In a related case, the New York City Board of Elections admitted that not allowing write-in voting for all contested elections was incorrect. The Court is in the process of determining if monetary damages will be available to the plaintiff. A resolution is expected in mid-2003.</p>
<p><i>Wit v. Berman</i></p> <p>Plaintiff sought to register to vote from two different counties, claiming they would only vote for "local" offices in one location and all other offices from the second location. The District Court dismissed the case. The Second Circuit Court of Appeals affirmed the dismissal and the United States Supreme Court denied the plaintiff's request to hear the case.</p>

Rodriguez v. Pataki

Pursuant to the 2000 census figures, New York State was required to realign its Assembly and Senate districts to reflect the changes in population within the state. Due to changes in population throughout the nation the State lost two congressional seats and had to create lines for 29 congressional districts, down from 31. This lawsuit was brought to challenge the lines the Legislature adopted. While the court allowed the implementation of the lines, challenges to specific districts continues. A final determination is expected in late 2003.

Green Party v. NYSBOE

As a result of the 2002 General Election, the Green, Liberal and Right to Life groups failed to garner sufficient votes to continue as political parties. Plaintiff's challenged the requirement that the members of those groups would revert to non-enrolled status and asked to federal court to intervene to force the county boards of elections to keep listing the members of the now defunct parties. A resolution is expected in mid-2003.

AGENCY-BASED REGISTRATION

(National Voter Registration Act of 1993)

Since 1995, New York State, through a program administered by the New York State Board of Elections, has been assisting and guiding participating state agencies in understanding and executing their voter registration responsibilities mandated by the National Voter Registration Act of 1993 (NVRA) and its corresponding state laws. The intent of the program throughout the past eight years has been to target individuals or disenfranchised groups typically lacking opportunities to register to vote, and offer them that opportunity as they apply for or renew a driver's license, or when they apply for services at any of the nearly 1,800 offices that participate in the program.

Including the Department of Motor Vehicles, 15 New York State agencies participate in the agency-based voter registration program. Designated as state agencies which provide public assistance are the Department of Social Services and the Department of Health. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the Department of Labor, Office for the Aging, Division of Veterans' Affairs, Office of Mental Health, Office of Vocational and Educational Services for Individuals for Disabilities, Commission on Quality of Care for the Mentally Disabled, Office of Mental Retardation and Developmental Disabilities, Commission for the Blind and Visually Handicapped, Office of Alcoholism and Substance Abuse Services, Office of the Advocate for the Disabled, and all offices which administer programs established or funded by such agencies. Additional state agencies designated as voter registration offices are the Department of State and the Division of Workers' Compensation.

By requiring voter registration to be offered in these locations, the NVRA attempts to make political participation more accessible to New York State citizens who have traditionally not exercised their right to vote or who may have difficulty accessing other sources of voter registration.

Impact of the Program

Statistics show that out of a total of 1,141,715 voter registration applications or transactions received by county boards of elections during 2002, 472,823 (41%) resulted from the efforts of state agencies and programs in offering voter registration opportunities in accordance with program provisions. The Department of Motor Vehicles yielded the highest volume of registration applications among the various agencies mandated by the NVRA, accounting for 79% (371,205) of the total number of voter registration applications or transactions in the state. The remaining agencies/programs participating in the program accounted for 22% (101,618) during 2002, public assistance agencies accounted for 16% (76,130) of this figure, State designated agencies tallied 2% (11,670) of the total, disability services agencies brought in an additional 2% (11,345) applications, and armed services

recruitment offices accounted for the remaining 0% (11). Voter registration applications and transactions received at county boards of elections by mail as required by the NVRA accounted for 0.5% (2,462) of the above total.

	Sources of Voter Registration			Total Applications
	1999 - 2000	2001	2002	1995 - 2002
Motor Vehicle	823,125	368,532	371,205	2,778,748
By Mail	9,371	2,173	2,462	49,287
Public Assistance Agencies	225,723	86,552	76,130	850,304
Disability Agencies	40,307	11,886	11,345	112,276
State Designated Agencies/ Armed Forces Recruiting	46,074	16,966	11,681	208,606
Total	1,144,600	486,109	472,823	3,999,201

Agency-Based Voter Registration Statistics

Year	New Registrations	Address Changes	Enrollment Changes	Name Changes
1995	316,627	64,005	23,108	4,644
1996	326,356	132,169	33,855	6,356
1997	273,190	171,275	32,773	8,164
1998	238,961	160,474	36,635	9,205
1999	220,771	156,619	40,089	9,400
2000	194,170	135,255	25,270	9,322
2001	191,403	129,267	26,550	10,496
2002	179,684	123,636	30,290	10,354

Training

The State Board of Elections is responsible for the development of training materials and presentation of training programs on the requirements and implementation of the agency-based voter registration program. In March 2002, the annual regional agency-based voter registration training offerings were presented with the instructor utilizing computer slide show technology.

The Board offered annual training to nearly 1,800 participating NVRA sites in New York State. These training sessions were held in March, 2002, in Buffalo, Rochester, Syracuse, Binghamton, White Plains, Ronkonkoma, New York City, and Albany. The following is a listing of the agency-based training that was provided in March 2002.

Annual Regional Training

DATE	LOCATION	AGENCY
3/4/02	Buffalo	Varied
3/5/02	Rochester	Varied
3/6/02	Binghamton	Varied
3/11-13/02	New York City	Varied
3/15/02	Syracuse	Varied
3/18/02	Ronkonkoma	Varied
3/19/02	White Plains	Varied
3/21/02	Albany	Varied

Approximately 250 individuals attended these training sessions. Additionally, State Board staff continues to provide updated training and reference materials as well as on-going telephone guidance and support, to agency program liaisons and site personnel in all offices offering agency-based voter registration.

NVRA Informational Newsletter

An NVRA Newsletter continues to be published quarterly by the State Board of Elections and distributed to each participating voter registration site. In addition, the newsletter is mailed to every state election official in the United States. The purpose of the newsletter is to provide program and training information to agencies participating in the agency-based voter registration program. The newsletter contains pertinent agency-based registration guidelines, procedural recommendations, voter registration deadlines, and upcoming training information. This bulletin has proven to be an excellent tool for periodically communicating useful information and guidance to NVRA sites.

As of December, 2002, the State Board of Elections has distributed approximately 188,000 copies of the newsletter to participating New York State agencies and out-of-state election officials nationwide.

Agency Oversight

The success of the agency-based registration program relies on cooperation among the participating state agencies, county boards of elections, and the New York State Board of Elections. To date, no legislation has been enacted which mandates authority to the state board to enforce compliance of the NVRA in state agencies. Due to the numerous and unique differences in clientele and services provided by each of the agencies, the administrative policies at each agency's participating offices and programs are conducted at the discretion of each individual state agency, under the guidance, input, approval and support of the State Board of Elections. Also, NVRA staff respond immediately to all inquiries, and act quickly to assist agency program coordinator, site personnel, and county board staff in resolving administrative and procedural problems in an effort to ensure effective and efficient operation of the agency-based registration program in New York State.

In addition, statistical reports containing data on voter registration activity for all agency-based sites are mailed to agency commissioners and program coordinators each month. Review of these reports enables program coordinators to monitor voter registration activity and program compliance, and identify inconsistencies at each participating office. This information also assists the State Board of Elections in evaluating the workload placed on county boards of elections offices by NVRA program requirements.

Distribution of NVRA Program Supplies

Supplies for the agency-based registration program are shipped weekly by NVRA staff as requested by participating sites. Constant tracking of supply order and shipping dates is made possible by a computerized supply order and inventory system specifically developed for monitoring distribution of NVRA program materials. The system also provides staff with current inventory balances to ensure that supplies are reordered as needed. The New York State Board of Elections processed nearly 900 individual supply shipments to participating NVRA sites during 2002.

In addition, the State Board of Elections provides "read only" copies of the NYS voter registration form and the customer voter information card in both braille and large print formats. Copies of both versions as well as a poster-sized version of the agency-based voter registration form are provided to agencies and programs participating in the NVRA program that serve people with disabilities upon request.

The State Board also distributed mail registration forms to institutions of the State University of New York for inclusion in admission and orientation packets of students enrolling in the September, 2002 semester.

Voter Registration Cancellations

When New York State residents relocate to another state or when out-of-state residents move into New York State, and subsequently register to vote, a notice of registration cancellation is returned either to a county board of elections or the New York State Board of Elections so that voter registration rolls may be updated. In 2002, staff at the State Board of Elections processed 50,089 New York State and out-of-state registration cancellations and forwarded them to the appropriate county board of elections or state election official.

DMV Address Change Requests

The New York State Board of Elections assists the Department of Motor Vehicles with the distribution of customer address change requests resulting from licensing or driver I.D. transactions by counting, sorting and forwarding them monthly to county boards of elections. Also received from the Department of Motor Vehicles and processed by state board staff, are the new DMV Internet change of address request forms which have been loaded by customers, completed, and forwarded to DMV. The state board distributed 65,271 address change requests received from the Department of Motor Vehicles to county boards during 2002.

**2002 Monthly Summary
DMV/Internet Change of Address Requests**

Month	Requests Mail/Internet
Jan	4,871
Feb	6,233
Mar	4,817
Apr	4,906
May	5,341
Jun	5,454
Jul	5,396
Aug	6,135
Sep	5,640
Oct	6,278
Nov	5,671
Dec	4,529
Total	65,271

**2002 Monthly Summary
Voter Registration Cancellations**

Month	In State	Out of State
Jan	2,180	790
Feb	2,782	906
Mar	2,565	777
Apr	2,596	823
May	2,144	973
Jun	2,928	609
Jul	3,060	1,048
Aug	3,558	1,151
Sep	4,516	1,818
Oct	5,813	1,348
Nov	3,243	869
Dec	2,574	1,018
Total	37,959	12,130

**1995-2002 Annual Comparison
DMV/Internet Change of Address Requests**

Year	Requests Mail/Internet
1995	80,903
1996	67,195
1997	68,407
1998	88,269
1999	78,138
2000	78,817
2001	70,956
2002	65,271
Total	597,956

**1995-2002 Annual Comparison
Voter Registration Cancellations**

Year	In State	Out of State
1995	39,329	6,626
1996	74,745	18,645
1997	38,986	13,492
1998	38,264	14,213
1999	38,700	13,788
2000	59,391	16,266
2001	38,702	9,845
2002	37,959	12,130
Total	366,076	105,005

Conclusion

Since elections take place at local, state, and national levels, it is imperative to reach all citizens desiring to register and exercise their right to vote. Through the efforts of agency-based voter registration sites, not only has voter registration increased, but the NVRA has also facilitated thousands of New York State residents in updating their current voter registration records. However, numbers of newly registered voters and address changes, or other registration statistics, do not reflect the total effort that local registration offices have spent on activities required by the NVRA. The State Board of Elections is exceedingly grateful to all of the county boards of elections throughout the state for their diligence in processing data resulting from the conduct of the agency-based voter registration program.

Election Operations and Services

The Election Operations and Services Unit at the New York State Board of Elections has, among others, two prime areas of responsibility, which include the facilitation of ballot access efforts, and the oversight and support of the State's 62 County Boards of Elections.

Ballot Access

In 2002, traditional even-numbered year ballot access efforts were amplified considerably, because of the increased activity related to the races for the offices of Governor and Lieutenant Governor, Comptroller, and Attorney General.

Races appearing in each even-numbered year include Member of Assembly, State Senator and Member of the House of Representatives. The State Board is also the repository for the filing of petitions relating to the selection of delegates and alternates delegates to Judicial District Conventions. These persons will nominate candidates for the office of Justice of the Supreme Court from each of twelve such districts in the State. Additionally, petitions for those seeking to become State Party Committee Members, representing certain Assembly and Congressional Districts, are also filed with the State Board.

Ballot access activity, relating to the public, party and judicial offices described above, and involving data entry and the creation and dissemination of corresponding acknowledgments, however, prior to the receipt of a single document, post-census redistricting activity required numerous hours of file revisions, updates to documents and publications, and the reconfiguration of unit databases, so as to enable the unit to process all election-related activities in proper context and format.

Related litigation and court-ordered alterations to the political calendar also affected the need for and timeliness of the performance of additional activities over and above those normally associated with an already-busy gubernatorial, legislative and federal election season. The Unit provided increased communications with county boards of elections, to ensure that they were fully aware of each aspect of the redistricting debate, and could thus respond to county filers and others, appropriately. Once reapportionment tasks were completed and verified, the filing season consisted of the following:

- 437 Petitions for Public Offices, of which;
 - 6 petitions were filed for the office of Governor
 - 5 petitions were filed for the office of Lieutenant Governor
 - 1 petition was filed for the office of Comptroller

- 110 petitions were filed for Congressional offices
- 104 petitions were filed for State Senate offices
- 211 petitions were filed for State Assembly offices

- 56 petitions were filed for State Committee positions
- 68 petitions for Judicial Delegate and Alternate Delegate positions.

Additional filings related to petitions were received, posted and acknowledged, and consisted of:

- 8 Certificates of Declination
- 7 Certificates of Substitution
- 121 Acceptances (certificates required to be filed by candidates designated or nominated by parties other than their own)
- 105 Authorizations (certificates required to be filed by party officials, relating to the nomination or designation of candidates who are not members of the party).

Independent petitions may be filed for public office, and they also require acceptance by the candidate being nominated, as well posting and acknowledgment. The 2002 Independent filing season saw the submission of:

- 11 petitions for Statewide offices
- 1 petition for Congressional office
- 2 petitions for State Senate offices
- 6 petitions for State Assembly offices
- 1 Petition for a Congressional office
- 19 corresponding acceptances.

Some State Senate and Assembly Districts, and some Congressional Districts, are wholly contained by county boundaries. In these cases, candidate filings are made in those counties; however, the County Board of Elections must notify the State Board of any such activity. This is the method used to prepare and certify a complete list of candidates for all offices to be elected at the November election.

Ballot access filings are not validated by the State Board of Elections; however, the validity of a filing may be challenged by persons choosing to do so. Challenges require the filing of an initial notice, indicating that a detailed list of specific objections to the filing will be submitted to the Board. Staff then reviews each specific and itemized objection, notes their findings on a reporting form, and submits same to a hearing officer for review. Determinations are then made by the Commissioners of the State Board, and notice of those determinations is made to all participants. Objections to party petitions and corresponding specifications received, posted, and researched, were as follows:

74 objections filed
32 sets of specifications filed.

Fifty (50) of the petitions were declared invalid, due to a failure to comply with statutory requirements.

Objections and specifications can also relate to independent petition filings. The process of determining the validity of these specific objections is identical to that used in the party petition process, noted above. This year's independent initiatives resulted in the receipt of:

5 objections filed (however no corresponding specifications were filed)

Vacancies existed in seven (7) of the State's twelve Judicial Districts. Delegates and Alternate Delegates were notified by their respective parties, to attend conventions which were convened on various dates beginning on September 17, and running through September 23. From each of those seven Judicial Districts, a total of 15 nominations were received, posted and acknowledged, representing the designation of 46 candidates for the office of Justice of the Supreme Court.

County Board Support

Support of County Boards of Elections, in the area of not only elections, but general day-to-day operations as well, is a prime focus of this Unit. Support is provided in a number of ways, including individualized workshops for specific counties, conference presentations, and appearances at regional meetings of the Election Commissioners' Association. Additionally, memoranda are prepared, dealing with topics of interest and necessity, and distributed to all County Boards. A workshop which targets new Commissioners, is presented at the State Board's Annual Conference. It is offered just prior to the commencement of the Conference agenda, so that new Commissioners do not have to miss any of the Conference presentations.

In the area of phone support for County Boards, over 3,400 calls were handled in 2002 by the Unit Director and staff members. These calls included questions about policy, Election Law, ballot layout, voter registration, voter list maintenance, and other matters relating to board procedures. The Unit Director, and certain staff members (when appropriate), are available to speak with County Legislators, Supervisors, County Managers, County Attorneys, Data Processing personnel and others, who are responsible for understanding, evaluating, supporting, and in some cases, approving of County Board spending plans and funding requests for upgrades to various computer systems and other initiatives County Boards may choose to implement.

Certain supplies used by County Boards are provided by the State Board, specifically, voter registration applications. Unit staff prepared shipping labels, and provided same to the agency's shipping personnel, who then shipped over 878,000 English registration forms and 82,000 Spanish forms. The State Board also supplies national registration forms (1,265 sent in 2002), which are accepted by every state in the country, and federal forms (8,075), which are used by persons in the military and by United States citizens living abroad.

The State Board continues to provide National Change of Address information to all but one of the state's counties. This service is required as part of New York's statutory voter registration list maintenance procedures, and helps ensure that voter addresses are in synchronization with information on file with the Postal Service. If this address change information is not processed by the State Board, counties would be required to make arrangements for independent address processing. There is a considerable economy of scale in the State Board's program, saving county boards thousands of dollars across the state. In 2002, nearly 10 million records were matched to postal information, and resulting data was returned to county boards for use in updating voter address, where appropriate, for notification purposes and other similar list maintenance tasks.

During the 2002 General Election, unit staff provided not only election-related and moral support to County Boards throughout the canvass process, but was also responsible for the collection of data and interim vote results. The various data, which quantified the number of ballots to be counted and those to be challenged, was used to keep all of the parties informed of the magnitude of the tasks involved in the counting of votes. Results were collected, compiled, and distributed twice daily, to the Agency's Executive Director, the Deputy Director, and Agency counsels, as well as to candidates and their attorneys.

Voting System Support

The product line of the optical scan (OpScan) absentee ballot voting system certified in 1998 is still the only product of its kind certified by New York State for absentee ballots. Staff members continue to support counties looking to acquire the OpScan system, produced by

Sequoia Pacific. Steps in the acquisition of Sequoia's OpScan system include contract review and approval by the State Board. Once a notice of contract approval is transmitted to a county board, staff begins to schedule various acquisition tasks, in consultation with the respective county, to ensure the smooth implementation of any system.

The State Board conducts acceptance tests upon the delivery of hardware and software for all voting equipment, to ensure the accuracy and performance standards of the system. Unit staff participates in vendor training, and is specifically responsible for test deck training - a required procedure which ensures that the County Board's ballot requirements are properly programmed and thoroughly understood by the system. Unit staff is also required to supervise, and assist as necessary, in a public test of the system, as required by law. All candidates are provided with this opportunity to view a demonstration of the system, using exact programming and test ballots that mirror the election-specific counting process. Additionally, Unit staff provides on-site Election Day support in those counties where ballots are counted on Election night, as well as on-site support at the County's 7-day count (ballots postmarked by the day before Election Day are counted, provided they arrive at the Board within seven days).

Unit staff provided all of the above services to the Rockland and Dutchess Boards, both of which were pleased with their OpScan system and its performance. The New York City boroughs of Bronx and Brooklyn also requested additional support for their previously-purchased absentee systems. The volume of absentee ballots is considerably larger in the five New York City counties than anywhere else in the state, resulting in the City discussing their options and methodology with the State Board, concerning future modifications to the various processes related to an automated absentee system.

In addition, Unit staff conducted acceptance tests on seven newly-acquired electronic voting machines (DRE's), in the Town of Clifton Park, Saratoga County, bringing their total to 23 DRE machines. The City of Saratoga Springs, also in Saratoga County, initiated a contract for the phased acquisition of electronic voting machines, and staff performed acceptance testing and preliminary training, on the first two machines of their agreement. Unit staff also provided required election day support to both municipalities.

The Unit Director anticipates a heightened interest in system certifications and acquisition, particularly in light of new Federal legislation, Help America Vote Act (HAVA), which will both mandate and assist New York in replacing its current lever style voting machine. HAVA will have a significant impact on the workload of the Election Operations Unit in the coming years.

Public Election Services

Additional services provided by Unit staff include responding to general inquiries from the public, and the distribution of information relating to those inquiries. Unit staff responded to over 3,600 such phone calls, and in response, distributed the following:

97	Assembly, Senate and Congressional maps
2,346	Copies of the New York State Election Law
532,822	English Voter Registration Forms
4,100	Spanish Voter Registration Forms
3,810	pieces of general information, including election results, (current and previous), political calendars, candidate lists, and other data related to elections

Unit staff is responsible for transcribing calls made to the State Board's toll-free voter registration application request number (1-800-FOR-VOTE). Persons may also access the State Board's website, to receive voter registration applications, by clicking an icon which will deliver their address information to the 1-800 system. In exceptionally busy periods throughout the year, support staff from other units assists in this process. In 2002, their combined efforts produced the transcription of:

7,927 calls, of which, 141 calls accessed the Spanish-speaking component of the toll-free system, and 2,977 calls were website accesses. This activity resulted in the shipping of:

14,193 English forms
866 Spanish forms.

General Unit Initiatives

Significant staff resources were devoted to supporting the State Board's internal initiatives. These tasks included the refinement of enrollment and registration data collection programs, due to statewide redistricting, to ensure that reporting is accurate and consistent with the needs of County Boards and the electorate. Unit staff also supported the redevelopment of the State Board's web site, with the inclusion of a wide range of data imported from the Unit's data collection files.

The Unit strives to anticipate needs and set goals, and works diligently at these various efforts, to achieve those goals. Unit members are pleased that a number of their efforts have been of use to other states, and have been requested on numerous occasions, to share publications, procedure outlines, training materials and other input of a similar nature. The Unit is not only dedicated to its own prime objective of County Board assistance, but to the support of the Agency's overall agenda, as well. Unit staff works with other Units and at such other tasks as identified by the Unit Director and prioritized by Agency management.

Information Technology Unit

The Information Technology Unit (ITU) is responsible for the development, implementation, maintenance and support of all election information systems for the State Board of Elections. This includes the storage, processing, security and accessibility of election-related data as well as keeping the Board current with emerging technology and maintaining the agency's major application systems.

Financial Disclosure Administration System (FIDAS)

The Board's campaign filing software underwent a major revision which was completed in December 2001. The software was successfully tested by a select pilot group of filers during the January 15, 2002 periodic filing and subsequently was distributed and used by all filers for the July 15, 2002 periodic filing. The purpose of the revision was to facilitate the filing of financial disclosure data via the Internet by using a Personal Identification Number.

Over half a million transactions were submitted by 1,642 political committees and candidates. Nearly sixty percent of the filings were received by electronic transfer.

National Change of Address Processing (NCOA)

NCOA processing was coordinated by the State Board as required by the National Voter Registration Act. The voter registration name and address data is collected from counties. A file with all the names and addresses is forwarded to a NCOA vendor for processing against the U.S. Post Office's Change of Address database. The resulting file is returned to the State Board where it is parsed and redistributed to the individual counties. The NCOA processing included over ten million voter records from sixty-one counties. Suffolk County contracts separately for this service. Centralizing this NCOA processing through the State Board as opposed to individual processing by counties provides the counties substantial savings in revenue due to the economy of scale that the State Board is able to leverage.

Election Operation Support

The Information Technology Unit provides support to the Election Operations Unit in the form of the Candidate Petition Administration System (CAPAS) which is used to administer the candidate petition process.

To enhance this process the Information Technology Unit also collected voter data for over eleven million voters from the County Boards of Elections. This data was loaded into the State Board's Oracle database. A desktop application was then used to query the database to assist State Board staff to verify voter registration information during the petition checking process.

Technology Training and Awareness

The Information Technology Unit created a PowerPoint slide show and made a presentation at the State Board of Elections' annual conference. The presentation, which highlighted areas where county boards could use technology to more efficiently perform their responsibilities and communicate electronically with each other and the State Board. The presentation, which included presentations and question and answer sessions by staff representing various program units within State Board, was very well received by conference attendees.

Election Law Enforcement

The Board's Enforcement Counsel Unit consists of the Enforcement Counsel, Special Deputy Counsel, and Confidential Secretary. In addition, the Enforcement Counsel supervises the Investigative Unit.

The Investigative Unit has a staff of two and one clerical employee. The unit conducts all investigations ordered by State Board Commissioners, including alleged violations in relation to petitions, illegal voting and registration, campaign finance reporting, and the conduct of elections.

The Board enforces campaign finance reporting requirements through civil proceedings. If the required campaign financial disclosure report is not filed, the candidate or committee is notified of the failure to file via certified mail. If the filing is not received within five days of receipt of the letter, the board initiates a civil action requesting the court to assess a monetary penalty, court costs and issue an order demanding that the required filing be made.

In 2002, the enforcement unit initiated seven lawsuits, and obtained judgments against 487 candidates and committees for failure to file campaign finance reports. The enforcement unit also referred 99 committees and their treasurers to the Albany County District Attorney. At the end of the year, 109 judgments had been satisfied and \$28,276 collected in fines.

The Board received a total of 92 complaints alleging violations of the election law in 2002. The enforcement unit reviewed 84 complaints, some of which were carried over from 2001. Seven of these complaints were referred to the investigative unit by the Board. The Board closed 8 final determinations on investigative cases and referred one case to the District Attorney for prosecution.

CAMPAIGN FINANCE UNIT

The Campaign Finance Unit consists of a Senior Accountant, two Agency Program Aides, a Calculations Clerk II and a Keyboard Specialist I.

The Campaign Finance Unit (CFU) is responsible for receiving and processing federal, state, and various county campaign financial disclosure reports. There was a total of ten filings for the election year 2002, as follows: January and July periodic filings, two special election filings, three primary election filings and three general election filings. The unit received 4,487 New York State financial disclosure reports, 142 federal reports and 93 county reports. During 2002, we had a record high of 1,801 active filers. Databases are maintained for the reports filed and the reports are made available to the public.

During 2002, 462 customers visited our public viewing area. More than \$1,700, which was forwarded to the state's general fund, was received for copy orders of financial disclosure statements. Staff responded to more than 11,000 telephone inquiries for technical assistance, form requests, and general information.

CAMPAIGN FINANCE COMPLIANCE TREND					
YEAR	2002	2001	2000	1999	1998
Reports required	6,434	2,435	5,996	2,500	6,542
5 Day Letters	1,945	481	1,431	487	1,639
Judgements	487	212	322	187	292

Financial disclosure statements are reviewed for compliance with the New York State Election Law, Article 14 and 6200 of the Rules and Regulations. A total of 1,633 reports were reviewed. 159 letters were mailed regarding discrepancies on reports reviewed and 258 amended reports were received.

Other unit responsibilities include the calculation of the contribution limits set forth in Article 14-114, revisions of the campaign financial disclosure forms and handbook and its publication.

The unit distributed a total of 39,240 forms and 7,750 handbooks to all county boards of elections and to state filers.

The unit conducted campaign financial disclosure seminars in 13 locations throughout the state in May and June in order to train candidates for state and local offices, and committee treasurers in the preparation of financial disclosure statements. 359 individuals attended the seminars.

2002 CAMPAIGN FINANCE SEMINAR	
May 20, 2002 Monday	Binghamton
May 21, 2002 Tuesday	Bath
May 22, 2002 Wednesday	Buffalo
May 23, 2002 Thursday	Rochester
May 24, 2002 Friday	Syracuse
May 29, 2002 Wednesday	Canton
May 30, 2002 Thursday	Plattsburgh
May 31, 2002 Friday	Albany
June 10, 2002 Monday	Goshen
June 11, 2002 Tuesday	White Plains
June 12, 2002 Wednesday	Hauppauge
June 13, 2002 Thursday	Mineola
June 14, 2002 Friday	New York

Investigative Unit

The Board's Investigative unit has a staff of one clerical employee and two investigators. The Investigative unit conducts all investigations ordered by the Commissioners, including alleged violations in relation to petitions, illegal voting and registration, campaign finance reporting and the conduct of elections. In year 2002, the following results were achieved by the Investigative unit.

Statistics

In year 2002, the Board had seventeen (17) investigations and twenty-six (26) preliminary investigations in progress. As of December 31, 2002, fifteen (15) investigative cases and sixteen (16) preliminary investigations had been closed. In the course of these investigations, one hundred four (104) affidavits and interviews were taken and eight (8) subpoenas were served. One (1) case was referred to the District Attorney for prosecution.

These investigations were conducted throughout the State and covered nineteen (19) different counties. Board investigators made forty-three (43) visits to local county boards of elections, village clerks and various town offices in conducting these investigations.

During year 2002 the following elections were monitored by the Investigative Unit, which received and responded to thirty-one (31) telephone, e-mail and field complaints.

- ? 26th S.D., NYC, Special Election, on February 12, 2002
- ? Village of Manorhaven, Village Elections, on June 18, 2002
- ? New York State Primary Elections in City of Albany, on September 10, 2002
- New York State Primary Elections and Special Elections at the Nassau County Board of Elections, on September 10, 2002
- ? General Elections in all New York counties on November 5, 2002

The Investigative unit received (or provided) cooperative assistance from: The Federal Bureau of Investigation, Bureau of Criminal Investigations, New York State Police, Delaware County Sheriff's Office, New York City Police Department, New York State Department of State, SUNY Public Safety, New York State Department of Motor Vehicles, Rockland County District Attorney, and the Westchester County District Attorney, Cornell University Police Department, Hunterdon County Board of Elections/Flemington, New Jersey, Kings County District Attorney, Orange County District Attorney, Office of the Attorney General/Charities Bureau/New York City, Internal Revenue Service, New York State Police Information Services, New York Immigration Coalition, Jewish Social Service Agency, Jewish Agency Serving Aging (JASA), and the Russian American Voter Education League.

Training/Certification

All Board Investigators are Peace Officers. As required by statute, each investigator received annual training and qualified in firearms and deadly physical force by certified instructors at the Academy, and the New York State Police Academy.

Public Information

Media Relations

The public information officer serves as the board's spokesperson and is responsible for handling all press inquiries. In 2002, the Public Information Office received approximately 8,300 requests from reporters and interested parties seeking information on election results, voter registration, campaign finance, enforcement matters, election law and board policies. The increase in the number of requests from 2001 can be attributed to in large part to the continued expansion of the use of e-mail by the public. The public information officer also produced press releases and advisories throughout the year which provided information on these topics to the press corp and the general public. This information was also made available to the Internet through the board's web site along with a wide range of election related data of interest to citizens all over the world.

Freedom of Information Law

The public information officer also serves as the board's records access officer. He is responsible for processing all FOIL requests received by the agency. In 2002, 13 requests were received by the records access officer. Six requests were granted, two were partially granted, five were forwarded to other offices pursuant to the provisions of Section 87 of the Public Officers Law.

Registration Hotlines

The board's automated hotline(1-800-For-Vote) and the board's web page on-line registration system(www.elections.state.ny.us) provide a dependable, efficient and convenient way in which citizens may request voter registration application forms. The hotline remains a positive component of the board's outreach program and the web page continues to capture a larger share of the program as more of the population comes on-line.

Annual Conference

The board held its Annual Conference for county election commissioners this spring in Saratoga Springs. The annual conference provides a forum for election officials throughout the state to learn and exchange ideas on election laws and administration. Over 280 people attended the three-day event and took advantage of several meetings to discuss, among other topics, the probable impact of the proposed Help America Vote Act of 2002.

AGENCY ADMINISTRATION

The Board's Administrative Office consists of three staff members. The duties of this unit include the preparation of all budget and fiscal records and reports, all personnel administration, purchasing, mail and warehouse operations and workplace maintenance.

Fiscal Operations

The Board began the new fiscal year with an appropriation of just over \$3.2 million and an authorized staffing level at forty-six full-time positions, plus Temporary Staff for petition-processing.

Personnel Administration

As a result of the economic conditions in New York State, the Governor directed a freeze on all hiring not directly related to health, safety, revenue generation or preservation. Since that time, the Board has incurred five staff separations, only one of which it was able to replace. We are anticipating a moderate expansion of staff in connection with the Help America Vote Act of 2002.

Revenue for 2002

JUDGEMENTS:	\$ 12,723.50
AUDIT PHOTOCOPIES:	\$ 1,407.03
ELECT. OPERATIONS COPIES:	\$ 1,934.25
LAW BOOKS:	\$ 12.00
DOCUMENTS:	\$ 39.00
<u>ESCROW AND OTHERS</u>	<u>\$ 3,589.54</u>
TOTAL	\$ 19,705.32

NATIONAL AFFILIATIONS

Federal Election Commission Advisory Panel

The New York State Board of Elections' Executive Director, Thomas R. Wilkey, continues to serve on this 20-member Advisory Panel, which provides direct advice and counsel to the FEC and its Office of Election Administration (OEA). The OEA is accessed daily by election administrators throughout the country, and serves as a substantial resource to them in a variety of election-related areas. The Advisory Panel addresses, among others, such issues as the allocation of financial and staff resources, the identification and management of research projects, and the dissemination of information collected and compiled by the FEC.

National Association of State Election Directors

The Board's Executive Director, Thomas R. Wilkey, a past president of the National Association of State Election Directors (NASSED), serves as the chairman of NASSED's sixteen member Voting Systems/Independent Test Authority Accreditation Board. The board approves all independent laboratories and examiners for qualification testing of all voting systems under the Federal Election Commission standards and keeps NASSED advised of proposed changes.

The Election Center

Founded in 1985, the Election Center is an international association of state, county, and local election officials. The center serves as a clearinghouse for information and data to its nearly 1,000 members through its fax-casting network and numerous educational conferences. Thomas R. Wilkey was one of the founding members and serves on the five-member board of directors. The New York State Board of Elections has been actively involved in the center's activities since it was founded, and staff have frequently served as workshop speakers at the center's regional and national conferences.

Council on Governmental Ethics Laws

The Council on Governmental Ethics Laws (COGEL) is an international organization representing state and national officials from campaign finance, ethics, and lobbying offices. The council was created to share information resources on a variety of topics relating to national, state and local issues. The State Board has been pleased to be a member of COGEL since its inception and has participated in its conferences.

TOTAL ENROLLMENT STATEWIDE

November 1, 2002

COUNTY	REP	DEM	IND	CON	LIB	RTL	GRE	WOR	BLANK	TOTAL
Albany	51,798	103,337	6,133	3,264	1,284	650	872	375	48,277	215,990
Allegany	15,174	7,185	686	421	252	147	70	56	4,336	28,327
Broome	53,233	45,684	3,242	1,622	1,216	556	570	245	23,034	129,402
Cattaraugus	22,034	19,246	1,388	1,225	602	429	104	107	9,645	54,780
Cayuga	20,549	17,013	1,658	1,570	507	239	148	85	9,770	51,539
Chautauqua	33,711	33,819	2,588	2,393	1,046	620	194	132	20,825	95,328
Chemung	25,073	17,682	1,904	723	583	373	97	76	10,277	56,788
Chenango	15,161	7,932	1,064	516	354	177	125	62	6,225	31,616
Clinton	16,653	15,692	1,599	428	706	188	154	44	9,332	44,796
Columbia	14,677	11,371	1,602	1,596	367	179	226	45	12,530	42,593
Cortland	12,389	9,337	1,059	467	348	110	120	64	7,166	31,060
Delaware	15,354	8,234	940	560	264	126	108	31	5,606	31,223
Dutchess	56,521	48,308	4,955	3,535	1,391	1,015	612	226	46,406	162,969
Erie	183,479	319,548	13,898	14,176	6,360	4,534	1,635	947	98,689	643,266
Essex	14,577	6,636	1,043	216	286	93	95	17	4,746	27,709
Franklin	11,577	10,302	1,062	402	232	118	93	32	4,726	28,544
Fulton	18,253	7,401	824	396	253	123	55	52	4,395	31,752
Genesee	17,120	10,600	1,120	947	442	291	83	64	7,716	38,383
Greene	13,934	6,892	905	933	213	179	74	37	8,192	31,359
Hamilton	3,579	1,057	105	60	21	21	8	1	544	5,396
Herkimer	22,641	11,991	1,446	598	372	189	82	54	6,795	44,168
Jefferson	29,046	18,652	2,190	949	684	317	132	92	12,892	64,954
Lewis	9,696	4,615	413	227	158	80	21	18	2,362	17,590
Livingston	18,568	10,660	1,156	866	444	235	131	41	8,075	40,176
Madison	20,122	11,742	1,548	952	476	240	145	60	9,736	45,021
Monroe	150,453	152,856	10,074	8,272	3,060	1,764	1,166	377	100,593	428,615
Montgomery	12,641	11,868	965	644	356	191	50	29	5,734	32,478
Nassau	369,193	304,826	14,271	10,417	5,399	3,573	1,157	800	187,265	896,901
Niagara	53,911	64,537	3,069	3,060	1,964	1,515	307	299	25,265	153,927
Oneida	56,520	48,658	4,245	1,748	1,256	712	236	166	25,010	138,551
Onondaga	105,371	94,850	8,607	5,095	2,458	1,628	1,252	691	74,595	294,547
Ontario	29,506	19,763	2,118	1,278	694	295	238	57	15,175	69,124
Orange	79,411	65,483	5,488	4,085	1,488	1,220	581	243	44,483	202,482
Orleans	12,392	6,387	595	525	269	157	36	49	5,348	25,758
Oswego	43,299	21,033	2,656	2,132	961	464	202	113	17,591	88,451
Otsego	15,524	10,577	1,181	492	340	165	165	38	7,349	35,831
Putnam	22,963	16,843	1,946	2,802	421	400	168	64	16,791	62,398
Rensselaer	30,135	28,250	4,035	5,000	974	484	335	510	34,711	104,434
Rockland	44,215	78,516	3,371	4,179	1,078	867	312	288	41,471	174,297
Saratoga	67,709	32,075	4,597	1,765	981	442	433	136	32,859	140,997
Schenectady	33,305	35,827	2,998	2,653	798	485	284	124	22,902	99,376
Schoharie	7,769	5,142	568	332	171	75	73	10	4,402	18,542
Schuyler	5,584	3,643	374	239	154	86	83	41	2,705	12,909
Seneca	8,897	6,486	466	497	233	193	65	28	3,716	20,581
St. Lawrence	26,296	24,156	2,043	798	664	288	247	83	12,352	66,927
Steuben	32,009	14,766	1,578	830	573	325	143	106	8,262	58,592
Suffolk	336,099	254,496	20,837	21,636	6,966	5,631	1,777	1,134	225,611	874,187
Sullivan	16,344	20,864	1,247	1,191	402	306	244	49	12,971	53,618
Tioga	17,249	9,214	1,081	482	303	210	110	53	6,304	35,006
Tompkins	17,739	24,938	1,710	420	540	163	1,173	102	13,944	60,729
Ulster	35,441	35,314	2,998	2,852	1,142	619	992	151	38,454	117,963
Warren	23,778	10,062	1,336	621	411	155	192	50	8,194	44,799
Washington	17,964	8,688	1,173	608	362	162	104	62	7,679	36,802
Wayne	25,599	14,080	1,775	1,499	618	385	124	89	13,522	57,691
Westchester	162,742	236,289	13,893	11,789	3,303	2,167	1,136	590	134,455	566,364
Wyoming	12,624	7,008	717	482	259	215	41	38	5,138	26,522
Yates	8,100	3,676	418	247	147	110	41	21	2,371	15,131
Total Outside NYC	2,595,701	2,436,107	176,958	137,712	57,606	36,681	19,421	9,554	1,539,519	7,009,259

Bronx	53,545	490,259	11,419	4,313	4,877	2,685	446	1,280	95,043	663,867
Kings	128,887	891,154	22,388	5,829	7,957	3,810	3,756	2,110	205,852	1,271,743
New York	120,618	671,016	22,599	2,559	6,777	1,959	4,006	872	179,601	1,010,007
Queens	156,263	652,347	18,632	8,064	7,232	3,179	1,591	1,398	190,220	1,038,926
Richmond	77,147	114,638	5,285	4,837	1,793	1,168	308	549	46,835	252,560
Total NYC	536,460	2,819,414	80,323	25,602	28,636	12,801	10,107	6,209	717,551	4,237,103
STATEWIDE TOTAL	3,132,161	5,255,521	257,281	163,314	86,242	49,482	29,528	15,763	2,257,070	11,246,362