

**New York State Board of Elections
Annual Report
2003**

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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' 2003 Annual Report. This report provides a comprehensive review of board programs and accomplishments during the calendar year 2003.

During 2003, the Board filed the State Implementation Plan for the Help America Vote Act of 2002 with the Federal Government. The plan is the result of the work of the HAVA Task Force, formed to assist the State's Chief Election Official and the State Board staff to provide a framework within which the State of New York will work to implement the statutory requirements of HAVA.

We look forward to working with the Legislature in formulating legislation which will make possible implementation of 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

Neil W. Kelleher
Vice Chair

Evelyn J. Aquila
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Gregory Fiozzo, *Coordinator of NVRA Operations*
Timothy J. Mattice, *Coordinator of Special Projects*
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Eric W. Halliday, *Confidential Aide*

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Cheryl S. Hauk, *Calculations Clerk 2*
Mary Longacker, *Keyboard Specialist 1*
Joanna Markessinis, *Agency Program Aide*

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Javan E. Owens, Jr., *Senior Election Law Enforcement Investigator*

Administrative Office

Richard J. Murray, *Administrative Officer*
Patricia L. Tracey, *Associate Personnel Administrator*
John K. Vinson, *Stores Clerk 2*

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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 2003.

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 Activities

Counsel's office, in consultation with the executive staff, regularly monitors all legislative action which could impact the Board and the election process in New York. Such activities include attending legislative committee meetings, responding to inquiries regarding legislation, and responding to requests for comments on legislation. In addition, Counsel's office is responsible for drafting any legislative proposals of the Board.

The following is a brief summary of important Election Law Legislation for 2003:

Chapter Number	Summary
Ch. 249	Requires the electronic reporting process be made available to candidates or committees who file such statements by electronic reporting.
Ch. 256	Relates to military voting; provides that ballots can be received not later than seven days following the day of a primary or special election and not later than thirteen days following the day of a general election or a primary election selecting delegates and alternate delegates to a national convention are to be cast and counted; provides that military ballots be printed and signed with the date the ballot was mailed.
Ch. 262	Provides special procedures for military and special voters; requires board of elections to send written explanation when denying application of person in military.

Ch. 263	Requires election inspectors to post in the polling place before the opening of the polls a voter information posting which includes sample ballots, certain instructions relating to voting, a voter's bill of rights, general information on federal and state laws, etc.; authorizes the state board of elections to prescribe the form and content of the voter information posting and prescribe an official version of such posting for every language which appears on any general, primary or special election ballot in any election district. (HAVA Compliance)
Ch. 243	Provides for special ballots and voting procedures for board of election employees; provides that such ballots are to be distributed between two weeks before and election day and delivered to the board of election office or to any board of inspectors before the close of the polls.
Ch. 244	Adds additional ballot instructions to paper ballots and absentee voter ballots; provides that such ballots shall include the instructions "do not overvote" and "do not attempt to correct mistakes on the ballot by making erasures or cross outs". (HAVA Compliance)

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 2003, the Office of Special Counsel received and responded to approximately 1125 inquiries regarding administration and interpretation of the Election Law.

Litigation

The Office of Special Counsel represented the Board in 14 new court actions in 2003 in both State and Federal Courts.

The following is a brief summary of the significant litigation activity in 2003:

LITIGATION SUMMARY

United States of America v. State of New York, et al .
ACORN v. Pataki, et.al.

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, sought 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. The District Court held that the agencies were responsible for providing registration opportunities at the relevant sites and closed the case.

Gelb v. NYSBOE and NYCBOE

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 late-2004.

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 continue. After a trial, the three judge panel, ruled in favor of defendants on all grounds and dismissed the case.

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 the federal court to intervene to force the county boards of elections to keep listing the members of the now defunct parties. A preliminary injunction was granted by the District Court. The Board has appealed that decision. A determination on the appeal is expected in late-2004.

State Committee to the Independence Party of New York v. NYSBOE

The State Committee of the Independence Party adopted a party rule allowing non-enrolled voters to vote in party primaries for State-wide office. The Party brought suit to challenge the closed primary election requirement in New York. After a hearing, the District Court granted summary judgement for plaintiffs and ruled the closed primary election requirement as it applied to the Independence Party was unconstitutional.

Hayden v. Pataki

Challenge to New York State disenfranchisement law, under, *inter alia*, Section 2 of the Voting Rights Act, alleging violation of constitutional rights of both felons and members of the communities of their residence. SBOE and AG in process of retaining expert witnesses. Expert discovery due by 8/30/04. All discovery due by 9/30/04.

AGENCY-BASED REGISTRATION

(National Voter Registration Act of 1993)

Since 1995, 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 is 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.

Impact of the Program

Statistics show that, during 2003, 469,109 voter registration applications or transactions were received by county boards of elections which 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 80% (377,586) of the total number of voter registration applications or transactions in the state. The remaining agencies/programs participating in the program accounted for 20% (91,523). During 2003, public assistance agencies accounted for 16% (75,310) of this figure, State designated agencies tallied 2% (7,984) of the total, and disability services agencies brought in an additional 2% (6,635). Armed services recruiting offices accounted for 0 applications. Voter registration applications and transactions received at county boards of elections by mail as required by the NVRA accounted for 0.8% (1,594) of the above total.

Sources of Voter Registration

	2003	Total Applications 1995 - 2003
Motor Vehicle	377,586	3,156,334
Public Assistance Agencies	75,310	925,614
State Designated Agencies	7,984	216,590
Disability Agencies	6,635	118,911
By Mail	1,594	50,881
Total	469,109	4,468,330

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
2003	187,100	125,627	31,403	10,949

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 2003, the annual regional agency-based voter registration training offerings were presented to the participating NVRA sites in New York State. These training sessions were held in Buffalo, Rochester, Syracuse, Binghamton, New York City, Ronkonkoma, Elmsford, and Albany. The following is a listing of the agency-based training that was provided in March 2003.

Annual Regional Training

DATE	LOCATION	AGENCY
3/3/03	Buffalo	Varied
3/4/03	Rochester	Varied
3/5/03	Syracuse	Varied
3/6/03	Binghamton	Varied
3/10-12/03	New York City	Varied
3/17/03	Ronkonkoma	Varied
3/18/03	Elmsford	Varied
3/20/03	Albany	Varied

Approximately 221 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 bi-annually by the State Board of Elections and distributed to each participating voter registration site. In addition, the newsletter is mailed to every state election office director 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 been a proven tool for periodically communicating useful information and guidance to NVRA sites.

As of December 2003, the State Board of Elections has distributed approximately 189,800 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 to all inquiries, and act to assist agency program coordinators, site personnel, and county board staff in resolving administrative and procedural issues 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, as well as 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 722 individual supply shipments to participating NVRA sites during 2003.

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 2003 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 2003, staff at the State Board of Elections processed 53,105 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 62,988 address change requests received from the Department of Motor Vehicles to county boards during 2003.

**2003 Monthly Summary
DMV/Internet Change of Address Requests**

Month	Requests Mail/Internet
Jan	5,679
Feb	5,018
Mar	3,747
Apr	5,386
May	4,588
Jun	4,870
Jul	3,386
Aug	7,646
Sep	5,247
Oct	6,610
Nov	5,736
Dec	5,075
Total	62,988

**2003 Monthly Summary
Voter Registration Cancellations**

Month	In State	Out of State
Jan	3,468	1,550
Feb	2,701	1,564
Mar	3,379	1,147
Apr	2,674	1,067
May	3,016	1,397
Jun	2,690	1,047
Jul	2,556	1,163
Aug	3,283	1,647
Sep	3,292	1,355
Oct	3,902	1,424
Nov	3,420	1,509
Dec	2,634	1,220
Total	37,015	16,090

**1995-2003 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
2003	62,988
Total	660,954

**1995-2003 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
2003	37,015	16,090
Total	403,091	121,095

Election Operations and Services

The Election Operations and Services Unit at the New York State Board of Elections has one prime area of responsibility - the oversight and support of the State's 62 County Boards of Elections. Other key Unit responsibilities include the facilitation of ballot access efforts by candidates, and day-to-day communication with the general public, on a variety of election-related topics.

Ballot Access

In the summer of 2003, ballot access activity tracked a traditional, 'off-year' path, and consisted primarily of 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, at conventions to be held in the fall.

Ballot access activity for the judicial offices described above, and involving data entry and the creation and dissemination of corresponding acknowledgments, consisted of the following:

66 Petitions for Judicial Delegate and Alternate Delegate positions.

Some filings related to the party position candidacies described above are made at the local level, as some of the districts in which those persons run are wholly contained by county boundaries. In these cases, information concerning candidate filings which are made at the county level, must be shared with the State Board. This is the method used by the Operations Unit to prepare and certify a complete list of candidates for offices to be elected at the November election. These local certifications are forwarded to the State Board, and become part of our statewide certifications to party committees and others who have need of or interest in this information.

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. When the specifics are filed - the itemization of one's objections - staff 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 a notice of those determinations is made, to all participants.

In 2003, objections to petitions and corresponding specifications received, posted, and researched, were as follows:

- 4 objections filed
- 3 sets of specifications filed

From the initial filings, the administrative review of same, and the objection filing procedures, the following resulted:

- 3 hearings were conducted
- 3 petitions were determined invalid at said hearings
- 5 petitions were administratively declared invalid.

Vacancies existed in eleven of the State's twelve Judicial Districts, accounting for 35 vacancies on Supreme Court benches. Delegates and Alternate Delegates were notified by their respective parties, to attend conventions, which were convened on various dates in September. From each of those eleven Judicial Districts, a total of 23 nominations were received, posted and acknowledged, representing the designation of 56 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 personalized workshops for specific counties, conference presentations, and appearances at regional meetings of the Election Commissioners' Association. Additionally, memoranda are prepared which deal with topics of interest and necessity, and are 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, over 2,990 calls were handled in 2003 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 County Board administrative agendas, spending plans and funding requests for systems, tasks, 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 approximately 1.7 million English registration forms and 118,000 Spanish forms. The State Board also supplies national registration forms, which are accepted by every state in the country,(5,117 shipped) and federal forms, which are used by persons in the military and by United States citizens living abroad (33,985 shipped).

The 2003 season brought a tremendous need for County Board support, which was directly related to the passage of a federal law entitled the Help America Vote Act, or HAVA. HAVA requires a new perspective on voter registration processing, and further requires that voting systems presently used in New York, be exchanged for systems and devices which are more accommodating for persons with disabilities. Registration procedures were affected immediately, however the implementation of voting machine requirements and selection, though being debated at present by the State Legislature, has been postponed until 2006. The HAVA impact on both the State Board and our County Boards, will be discussed elsewhere in this Report, and will be further defined in 2004.

Considerable time and effort on the part of Unit staff, was spent providing not only election-related and moral support to County Boards throughout the evaluation of HAVA, but in revising the State's voter registration application and the creation of a Voter's Bill of Rights. Other forms used by county boards are also currently under revision, and the drafting process continues for new procedures and the modification of traditional ones. The Unit Director and various staff members participate regularly and diligently, in numerous in-house work groups, on topics such as the creation of a statewide data base, evaluation of federal legislation, drafting of implementing state legislation and related aspects of HAVA.

The State Board provides 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 to ensure that voter addresses are in synchronization with information on file with the U.S. Postal Service. If address change information is not processed by the State Board, a County must 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 2003, nearly 10 million records were matched to postal information, and resultant data was returned to County Boards for use in updating records where appropriate and for notification purposes and other similar tasks.

To supplement voter list maintenance at the county level, Unit staff distributes to county boards on a monthly basis, data which identify persons who are deceased (as provided by the State Department of Health), those who have been incarcerated subsequent to a felony conviction (as provided by the State Office of Court Administration), and those who have surrendered their New York Driver's License (as provided by the State Department of Motor Vehicles).

Voting System Support

The Unit continues to support county board efforts to upgrade to electronic voting machines for election day use, or to acquire automated absentee ballot voting systems. Only systems which have successfully completed rigorous certification testing can be sold in New York.

Contracts for voting system acquisitions must be submitted to the State Board for review, and approval is required prior to purchase. Once a notice of contract approval is transmitted to a County Board, Unit staff begins to schedule various events, in conjunction with the County Board, to ensure the smooth implementation of any system. Unit staff provided assistance to the Westchester County Board of Elections, as they moved towards the implementation of New York's optically-scanned ballot system, to replace their existing punch-card absentee system.

Unit staff continued to provide support and related elections expertise to the thirteen counties using optical scanning technology for absentee and paper ballot facilitation:

Broome	Manhattan	Queens
Bronx	Monroe	Richmond
Dutchess	Onondaga	Rockland
Erie	Orange	
Kings	Putnam	

Unit staff maintained its support efforts with the two counties currently using punch card technology for absentee ballot purposes St. Lawrence and Westchester - as well as the more involved tasks associated with supporting the State's three counties in which electronic machines are used. In Saratoga County, the Town of Clifton Park continued its ongoing acquisition of electronic voting machines, with the addition of two units in 2003, bringing the total number of machines there, to thirty . Clifton Park was joined by the City of Saratoga Springs, which acquired two machines in 2003.

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 such phone calls, and in response, distributed the following:

94	Assembly, Senate and Congressional maps
165	Copies of the New York State Election Law
415,405	English Voter Registration Forms

246 Spanish Voter Registration Forms
619 pieces of general information, including election results, (current and previous), political calendars, candidate lists, our Running for Office booklet, law books, 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 2003, combined efforts produced the transcription of:

3,681 calls, of which, 137 calls accessed the Spanish-speaking component of the toll-free system, and 4,031 calls were website accesses. This activity resulted in the shipping of:

23,912 English forms
246 Spanish forms.

General Unit Initiatives

Significant staff resources were devoted to supporting the State Board's internal initiatives. Unit staff continues to support the ongoing 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. Additionally, staff continues to be responsible for the design, development and testing of internally self-checking database applications for the reporting of election results.

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 projects 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 may be identified by the Unit Director and prioritized by Agency management.

Information Technology Unit

The Information Technology Unit 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 applications and systems.

Additionally, the agency's Chief Information Officer represents the Board of Elections on the New York State CIO Council and serves on the CIO Council's technology committees. The agency's Information Security Officer oversees all aspects of network and internet security and represents the Board of Elections on the New York State ISO Council.

Computing Environment and Infrastructure

The New York State Board of Elections operates in a Novell NetWare networking environment using Microsoft Windows PC client operating systems on the desktop. All database applications are run on an Oracle 9i Relational Database System and Application Server which operate on a Storage Area Network. The Information Technology Unit designs, installs, configures and maintains the network, servers, databases and client PCs as well as the network, Intranet, and Internet infrastructures. Backup, disaster recovery and network security also fall under the auspices of the unit.

Financial Disclosure Administration System (FIDAS)

The Financial Disclosure System is a network-based system used by auditing and enforcement staff for the management of the financial disclosure reports for committees and candidates. The Information Technology Unit develops and maintains the database and applications associated with the administration of campaign finances. The agency's Electronic Filing Software was developed and is maintained by the agency's IT staff. The filing software underwent a major revision which will be released to the filing public in the spring of 2004 as EFS version 4.0.

Over five thousand individual financial disclosure filings containing over a quarter million records were processed for thirteen hundred registered filers during 2003. All of these filings were made available to the public on the State Board's web site within 24 hours of filing.

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 the 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 10,981,778 voter records from sixty-two counties. Centralizing this NCOA processing through the State Board, as opposed to the processing by individual counties, provides the counties with a 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 which is used to administer the candidate petition process as well as create correspondence, ballots and reports pertaining to elections.

Although 2003 was a quiet election year, voter records were collected from the counties in December to prepare a petition checking database for the 2004 Presidential Primary. This data is loaded into the State Board's Oracle database. A desktop application, created by the Information Technology Unit, is used to query the database which assists State Board staff in verifying voter registration information during the petition checking process.

Agency-Based Voter Registration/Public Information

The Voter Registration Unit at a decade old is well ensconced in the agency. The Information Technology Unit supports the database applications used by the Voter Registration Unit to manage the registration sites and transactions. There is also a supplies inventory system created and maintained by the agency's IT staff.

The Public Information Officer has oversight of the content on the agency's web pages. The Information Technology staff works closely with the Public Information Office to oversee the technology, design, and application development associated with the agency's Internet site.

Help America Vote Act

As part of the Federal Help America Vote Act (HAVA) legislation that was passed in 2002, the State Board of Elections will be required to create a statewide voter registration database. ITU management participated in an advisory capacity on the New York State HAVA Task Force, led a statewide database focus group and assisted with drafting the statewide plan.

An in-house information technology steering committee, facilitated by the agency's CIO, was formed consisting of representatives from information technology and program staff. Among other tasks, a subgroup of this committee sought and reviewed proposals for a vendor consultant to assess the needs of the State Board and the local Boards of Elections in acquiring a database vendor. The selected vendor will assist the State Board in defining the requirements for the project and assist the agency in crafting an RFP for the project. A consultant will be awarded the contract in early 2004.

Information Technology staff have been working closely with staff from the Department of Motor Vehicles to implement an interim process for verifying driver identification numbers for the 2004 Federal Election. This process is necessary in the absence of a statewide voter registration system for 2004. The early verification of voter applicants will, hopefully, decrease the number of voters who will be required to show identification at the polls for the 2004 election.

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 employees. 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 2003, the enforcement unit initiated three lawsuits, and obtained judgments against 352 candidates and committees for failure to file campaign finance reports. At the end of the year, 146 judgments had been satisfied and \$28,878 collected in fines.

The Board received a total of 57 complaints alleging violations of the election law in 2003. The enforcement unit reviewed 63 complaints, some of which were carried over from 2002. Nine of these complaints were referred to the investigative unit by the Board. The Board closed 7 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 Finance Analysts, a Clerk II and a Keyboard Specialist I.

The Campaign Finance Unit (CFU) is responsible for receiving and processing state, federal, and various county campaign financial disclosure reports. There was a total of ten filings for the election year 2003, as follows: January and July periodic filings, two special election filings, three primary election filings and three general election filings. This year, we had 1,321 active filers. The unit received and processed 1,862 New York State financial disclosure reports, 89 federal reports and 77 county reports. A total of 3,719 state reports were received via the Board's electronic financial software system. All filings are made available on the internet.

The unit also provides the public, all its filers and the county board of elections with any information regarding campaign finance. During 2003, the unit responded to 12,458 telephone inquiries, filled 1,231 form requests, assisted 188 persons who visited our public view area and processed 32 copy order requests totaling \$1,786.93.

CAMPAIGN FINANCE COMPLIANCE TREND					
YEAR	2003	2002	2001	2000	1999
Reports required	3,573	6,434	2,435	5,996	2,500
5 Day Letters	774	1,945	481	1,431	487
Judgements	197	487	212	322	187

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 1,579 reports were reviewed. 60 letters were mailed regarding discrepancies on reports reviewed and 335 amended reports were received.

Other unit responsibilities include the publication of the campaign financial disclosure filing calendar, the calculation of the contribution limits as set forth in Article 14-114, revisions of the campaign financial disclosure handbook, forms and their publication. In April, all state filers were provided with updates (“Filer Update 2003”) on campaign finance. Forms and Handbooks were not included in the mailing but were made available on the Board’s website. This saved the agency approximately \$4,000 in postage and printing costs.

In July, the Campaign Finance Unit initiated the new web based filing of No-Activity Reports, 24 Hour Notices, In-Lieu-of Statements and Notice of Inactive Status. This provides our filers both convenience and a reduction of postage expense.

Corporate Contribution Limit Enforcement

All corporate contributions reported on financial disclosure statements are entered into the Board’s database. This enables staff to determine apparent violations of the \$5,000 corporate contribution limit. A total of 331 corporations were scrutinized for apparent violations. It was determined that 239 corporations actually violated the \$5,000 limit. Of that number, 154 corporations were brought into compliance by obtaining refunds from the recipient political committees. First time corporate violators were advised that future excess contributions may be construed as a knowing and willful violation of §14-116 of the Election Law which would constitute a Class A misdemeanor. The offending corporations will be subsequently tracked for repeat offenses. There were thirty-three corporations which had exceeded their limit in prior years. These were referred to counsel for further legal action.

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. 457 individuals attended the seminars.

2003 CAMPAIGN FINANCE SEMINAR	
May 19, 2003 Monday	Binghamton/Broom County
May 21, 2003 Wednesday	Rochester/Monroe County
May 22, 2003 Thursday	Buffalo/Erie County
May 23, 2003 Friday	Syracuse/Onondaga County

May 27, 2003 Tuesday	Herkimer/Herkimer County
May 28, 2003 Wednesday	Plattsburgh/Clinton County
May 30, 2003 Friday	Albany/Albany County
June 10, 2003 Tuesday	Mineola/Nassua County
June 11, 2003 Wednesday	Hauppauge/Suffolk County
June 12, 2003 Thursday	West Nyack/Rockland County
June 13, 2003 Friday	Poughkeepsie/Dutchess County
June 17, 2003 Tuesday	Manhattan/New York City
June 18, 2003 Wednesday	Ballston Spa/Saratoga County

The unit's work area underwent a major renovation. New work stations were installed and storage units were provided to enhance and improve work flow. The new work stations and the refined physical layout of the office have resulted in a more flexible and user-friendly work area.

Investigative Unit

The Board's Investigative unit has a staff of two investigators who 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 2003, the following results were achieved by the Investigative unit.

Statistics

In year 2003, the Board had fourteen (14) investigations and nineteen (19) preliminary investigations in progress. As of December 31, 2003, twelve (12) investigative cases and seventeen (17) preliminary investigations had been closed. In the course of these investigations, thirty-eight (38) affidavits and interviews were taken and two (2) subpoenas were served. One (1) case was referred to the District Attorney for prosecution and Grand Jury testimony was provided on a previous case.

These investigations were conducted throughout the State and covered seventeen (17) different counties. Board investigators made twelve (12) visits to local county boards of elections, village clerks and various town offices in conducting these investigations.

During year 2003 the following elections were monitored by the Investigative Unit, which received and responded to eleven (11) telephone, e-mail and field complaints.

- ? Village of Valley Stream, Suffolk Co., Village Elections, on June 18, 2002
- ? New York State Primary Elections in City of Albany, on September 9, 2003
- ? General Elections in all New York counties on November 4, 2003

The Investigative unit received (or provided) cooperative assistance from: The Federal Bureau of Investigation, Bureau of Criminal Investigations, New York State Police, New York State Department of State, SUNY Public Safety, New York State Department of Motor Vehicles, Rockland County District Attorney and the Suffolk County District Attorney, Florida and Massachusetts State Boards of Elections and the Ramapo Police Department.

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 2003, the Public Information Office received approximately 7,200 requests from reporters and interested parties seeking information on election results, voter registration, campaign finance, enforcement matters, election law and board policies. 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 2003, 11 requests were received by the records access officer. Eight requests were granted, two were partially granted, one was forwarded to another office 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 260 people attended the three-day event and took advantage of several meetings to discuss, among other topics, the proposed New York State Implementation Plan required by the 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 \$3.4 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 six 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 2003

JUDGEMENTS:	\$30,078.20
AUDIT PHOTOCOPIES:	\$ 898.58
ELECT. OPERATIONS COPIES:	\$ 592.50
LAW BOOKS:	\$ 0.00
DOCUMENTS:	\$ 0.00
<u>ESCROW AND OTHERS</u>	<u>\$ 753.47</u>
TOTAL	\$ 32,322.75

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, 2003

COUNTY	REP	DEM	IND	CON	LIB	RTL	GRE	WOR	BLANK	TOTAL
Albany	48076	93135	6135	3006	455	1059	1011	532	0	42501
Allegany	15384	7276	739	418	65	105	252	154	0	4529
Broome	52066	44751	3441	1549	301	738	1136	532	0	22418
Cattaraugus	20897	17946	1417	1099	131	139	528	379	0	9079
Cayuga	19861	16386	1676	1457	102	201	452	214	0	9189
Chautauqua	31522	31299	4072	2138	191	258	891	508	0	19177
Chemung	24185	17039	1934	666	96	138	535	338	0	9748
Chenango	14827	7739	1089	497	72	161	327	169	0	6058
Clinton	17347	16416	1805	442	61	223	725	202	0	10118
Columbia	13818	11030	1619	1428	55	311	301	156	0	11320
Cortland	12424	9363	1133	467	65	147	272	88	0	7416
Delaware	15283	8209	986	556	43	134	260	123	0	5631
Dutchess	56076	48000	5332	3443	280	756	1311	968	0	45461
Erie	184534	320228	15385	14175	1189	2053	6199	4465	0	100901
Essex	14431	6474	1129	215	22	129	265	94	0	4646
Franklin	11520	10161	1131	386	46	128	216	119	0	4792
Fulton	17875	7144	833	381	58	79	238	108	0	4295
Genesee	17193	10455	1177	945	75	106	431	285	0	7696
Greene	13900	6811	973	897	40	117	202	172	0	8037
Hamilton	3458	1002	107	55	2	8	17	19	0	529
Herkimer	22264	11626	1484	544	63	111	352	167	0	6587
Jefferson	29650	18940	2381	961	108	154	677	312	0	13377
Lewis	9788	4622	448	229	20	30	149	77	0	2390
Livingston	17973	10124	1162	794	55	154	399	214	0	7730
Madison	19604	11428	1576	931	84	180	458	226	0	9397
Monroe	155008	165497	11649	8609	568	1626	3372	1903	0	107136
Montgomery	12489	11590	1049	635	36	70	340	188	0	5670
Nassau	350911	295089	14845	9857	909	1442	5004	3386	0	179374
Niagara	54660	65498	3452	3170	382	407	1988	1530	0	25998
Oneida	52573	43927	4195	1638	192	292	1039	641	0	21729
Onondaga	102248	92061	8760	4797	787	1452	2217	1494	0	71902
Ontario	29142	19364	2220	1260	76	322	626	283	0	14859
Orange	76474	63008	5772	3782	302	732	1323	1100	0	42326
Orleans	12513	6377	660	526	56	53	275	162	0	5462
Oswego	43848	21373	2848	2125	143	267	967	465	0	18242
Otsego	15395	10458	1232	468	51	221	329	168	0	7387
Putnam	22760	16465	2003	2625	79	197	390	376	0	15989
Rensselaer	28955	26673	4210	4909	553	422	862	434	0	32532
Rockland	43438	77494	3540	3949	319	389	1015	825	0	40158
Saratoga	67722	32260	4860	1754	169	577	955	435	0	32961
Schenectady	32360	34712	3158	2558	156	339	758	450	0	22241
Schoharie	7609	4889	589	304	138	74	109	20	0	4059
Schuyler	5589	3622	391	222	45	97	151	82	0	2730
Seneca	8980	6458	516	496	33	97	239	190	0	3770
St. Lawrence	25599	23278	2065	765	102	279	608	255	0	11834
Steuben	31431	14329	1638	789	125	176	535	310	0	8176
Suffolk	332788	254229	22657	21068	1505	2246	6662	5571	0	224109
Sullivan	16777	21434	1372	1197	69	274	411	318	0	13536
Tioga	17479	9382	1197	483	73	148	312	215	0	6614
Tompkins	16945	24242	1651	381	109	1458	456	150	0	13331
Ulster	35782	36769	3316	2879	189	1280	1153	629	0	39434
Warren	22728	9475	1351	553	65	272	368	137	0	7586
Washington	18259	8828	1290	608	69	134	371	173	0	7958
Wayne	25514	13974	1884	1464	109	158	590	372	0	13419
Westchester	160393	235251	14815	11442	1026	1364	3148	2086	0	131863
Wyoming	12639	6960	787	490	42	60	254	212	0	5236
Yates	8027	3674	458	235	29	61	129	106	0	2363
Total Outside NYC	2550991	2406244	189594	133717	12185	24605	54540	35287	0	1513006
Bronx	51287	471139	12602	3977	1488	528	4398	2400	0	90045
Kings	123607	853856	23473	5381	2349	4450	7265	3378	0	196992
New York	115799	646523	22662	2307	1025	4479	5996	1753	0	169758
Queens	151559	636295	19287	7468	1566	1853	6646	2934	0	184690
Richmond	75910	111477	5438	4587	601	367	1695	1075	0	45539
Total NYC	518162	2719290	83462	23720	7029	11677	26000	11540	0	687024
Statewide Total	3069153	5125534	273056	157437	19214	36282	80540	46827	0	2200030